



भारत का राजपत्र The Gazette of India

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

स 52] नई दिल्ली, शनिवार, दिसम्बर 29, 1990/पोष 8, 1912
No. 52] NEW DELHI, SATURDAY, DECEMBER 29, 1990/PAUSA 8, 1912

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii) PART II—Section 3—Sub-Section (ii)

(रक्षा मंत्रालय को छोड़ कर) भारत सरकार के मंत्रालयों द्वारा जारी किए गए, संविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India other than
the Ministry of Defence)

गृह मंत्रालय

(आंतरिक सुरक्षा विभाग)

(पुनर्वास प्रभाग)

नई दिल्ली, 27 नवम्बर, 1990

का. प्रा. 3461—विस्थापित व्यक्ति (प्रतिकर तथा पुनर्वास) अधि-
नियम, 1954 (1954 का 44) की धारा 34 की उपधारा (1)
द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार निदेश देती है
कि उक्त अधिनियम की धारा 33 के अन्तर्गत इसके द्वारा प्रयोजनीय
शक्तियों राजस्थान राज्य के भीतर क्षतिपूर्ति पूल के भाग के तौर पर भूमि
एवं सम्पत्तियों के संबंध में मण्डल आयुक्त, बीकानेर, राजस्थान सरकार
द्वारा उनके अपने कार्यों के अतिरिक्त प्रयोज्य होंगी।

2. इस अधिसूचना से दिनांक 9-6-89 की अधिसूचना सं.-1(II)
विशेष सैल/88-एम.एस.-II(क) का अधिक्रमण किया जाता है।

[संख्या 1(11)/विशेष सैल/88-एम.एस.-II/एम.]

कुलदीप राय, उप सचिव

MINISTRY OF HOME AFFAIRS

(Department of Internal Security)

(Rehabilitation Division)

Now Delhi, the 27th November, 1990

S.O. 3461.—In exercise of the powers conferred by Sub-
Section (1) of Section 34 of the Displaced Persons (Com-
pensation and Rehabilitation) Act, 1954 (44 of 1954) the
Central Government hereby directs that powers exercisable
by it under Section 33 of the said Act, shall also be exerci-
sable by the Divisional Commissioner, Bikaner, Government
of Rajasthan, in addition to his own duties, in respect of the
lands and properties forming part of the Compensation Pool
within the State of Rajasthan.

2. The notification supersedes notification No. 1(II)/Spl.
Cell/88-SS.II(A) dated 9-6-1989.

[No. 1(11)/Spl. Cell/88-SS-II/S]
KULDIP RAI, Dy. Secy.

कृषिक न्योत शिकायत यथा पेंशन मंत्रालय

(कामिक और प्रशिक्षण विभाग)

नई दिल्ली, 13 सितम्बर, 1990

का. प्र. 3462—अभिलेख नाशकरण अधिनियम, 1917 (1917 का अधिनियम 5) के खण्ड 3 के उप-खण्ड (2) की धारा (ग) की उप-धारा (ii) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्द्वारा, अध्यक्ष, केन्द्रीय प्रशासनिक अधिकरण को केन्द्रीय सरकार की पूर्वानुमति से अधिकरण की अभिरक्षा में पड़े रिकार्डों को नष्ट करने संबंधी नियम बनाने के लिए प्राधिकृत करती है।

[एफ. संख्या ए-11019/33/88-ए. टी.]

एस.एम. सहारियार, बैस्क अधिकारी

अनुमनक**अभिलेख नष्ट करने के लिए नियम**

अभिलेख नाशकरण अधिनियम, 1917 (1917 का अधिनियम 5) के खण्ड 3 के उप-खण्ड (2) की धारा ग की उप-धारा (ii) के अधीन केन्द्रीय सरकार द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, अध्यक्ष, केन्द्रीय प्रशासनिक अधिकरण एतद्द्वारा केन्द्रीय सरकार के पूर्वानुमोदन से केन्द्रीय प्रशासनिक अधिकरण की सभी न्यायपीठों के अभिलेखों, पुस्तकों तथा कागजातों को नष्ट करने को नियमित करने के लिए निम्नलिखित नियम बनाते हैं, अर्थात् :—

1. सामान्य

1. संक्षिप्त नाम तथा प्रारम्भ—(i) इन नियमों को केन्द्रीय प्रशासनिक अधिकरण (अभिलेख नाशकरण) नियम, 1990 कहा जाएगा।

(ii) ये भारत के राजपत्र में प्रकाशन की तारीख से प्रवृत्त होंगे।

2. परिभाषाएं—इन नियमों में, जब तक कि संदर्भ से अन्यथा अपेक्षित न हो,—

(क) “स्थायी परिरक्षण” से तात्पर्य 30 वर्ष के लिए परिरक्षण है।

(ख) “रजिस्ट्रार की अधिकारी” से तात्पर्य एक ऐसे अधिकारी से है जो मुख्य न्यायपीठ के मामले में अध्यक्ष द्वारा तथा अन्य न्यायपीठों के मामले में उपाध्यक्ष द्वारा नियुक्त किया गया हो।

3. अनुक्रमणिका (इंडेक्स) बनाना तथा भागों का अलग करना—अभिलेख अनुभाग में न्यायिक अभिलेखों के प्राप्त होने के बाद, अनुबंध-1 में दिए गए फार्म के अनुसार एक नया इंडेक्स तैयार किया जाएगा। कागजातों पर संख्या डाली जाएगी तथा जिस भाग में यह कागजात संबंध रखते हैं, उस उपयुक्त भाग के अधीन इंडेक्स में प्रविष्टि की जाएगी। कागजात किस भाग का है, इसका निर्धारण इन नियमों के साथ संलग्न अनुबंध-II के अनुसार किया जाएगा।

4. वह स्थिति जब रिकार्डों को पूर्ण हुआ माना जाएगा :—

(क) किसी मामले में न्यायिक अभिलेख को उस तारीख को पूर्ण हुआ समझा जाएगा जिस तारीख को न्यायपीठ के अंतिम आदेश होते हैं अथवा यदि उच्चतम न्यायालय में अपील की जाती है तो वह तारीख जब उच्चतम न्यायालय द्वारा अंतिम आदेश दिए जाते हैं, इन दोनों में जैसा भी मामला हो।

(ख) न्यायिक तथा प्रशासनिक शाखाओं में रजिस्ट्रारों तथा अन्य कागजातों के मामले में, पूर्ण होने की तारीख वह तारीख होगी जब रजिस्ट्रार को धष्ट कर दिया जाता है तथा फाइलों तथा अन्य कागजातों के मामले में वह तारीख जिसको उन पर अंतिम आदेश पारित किया गया था।

5. अभिलेखों को नष्ट करने के लिए हाथ में लिया जाना है—सभी अभिलेखों/रजिस्ट्रारों/फाइलों को पूर्ण होने की तारीख से इन नियमों

के अन्तर्गत निर्धारित अवधि की समाप्ति तक अभिलेख कक्ष में रखा जाएगा तथा इस अवधि की समाप्ति पर, इन्हें हर हालत में नष्ट कर दिया जाएगा।

यहां तक कि संबंधित न्यायपीठ का रजिस्ट्रार अथवा उसके द्वारा प्राधिकृत उप-रजिस्ट्रार, किन्हीं कारणों से जो कि लिखित में रिकार्ड किए जाने हैं, आदेश दे सकता है कि कोई विशेष कागजात अथवा किसी विशेष मामले के रिकार्ड को ऐसी अवधि के बाद भी रखा जाए।

आगे यह भी धार्त है कि किसी भी सरकारी अधिकारी द्वारा फाइल किए गए या ऐसे अधिकारी द्वारा पेश किए गए दस्तावेजों यदि पहले नहीं लिए गए हैं तो उन्हें नष्ट नहीं किया जाएगा, परन्तु उन्हें अनिवार्य रूप से उसी कार्यालय की लौटा दिया जाएगा जहां से उन्हें पेश किया गया है।

6. नष्ट करने के कार्य का पर्यवेक्षण—न्यायिक रिकार्डों, पुस्तकों तथा कागजातों को, जब भी आवश्यक होगा, समय-समय पर नष्ट किया जाएगा तथा यह उप-रजिस्ट्रार (न्यायिक) की सामान्य देखरेख में किया जाएगा तथा इसे ऐसे अधिकारी (इसके बाद इसे पर्यवेक्षण अधिकारी कहा जाएगा) के सामने किया जाएगा जो मुख्य पीठ के मामले में अध्यक्ष द्वारा तथा दूसरी पीठों के मामले में उपाध्यक्ष द्वारा नियुक्त किया गया हो।

7. (i) रिकार्डों को नष्ट करने का ढंग—न्यायिक रिकार्डों, पुस्तकों तथा कागजातों को निम्नलिखित में से किसी भी एक ढंग से नष्ट किया जाएगा—

(क) इस तरह से फाड़ना ताकि फाड़ा गया दस्तावेज दोबारा इस्तेमाल न हो सके;

(ख) फाड़ना तथा उन्हें जला देना; और

(ग) पेपर श्रेडिंग मशीन द्वारा नष्ट करना।

(ii) नष्ट किए कागजों की बिक्री तथा बिक्री बसूली को जमा करना—पर्यवेक्षण अधिकारी द्वारा यह प्रमाणित किए जाने के बाद कि न्यायिक रिकार्डों, पुस्तकों तथा कागजातों को नष्ट किए जाने के बाद उनकी कोई उपयोगिता नहीं रह गई है और यदि उनको जलाया नहीं जाता है तो, रजिस्ट्रार के आदेशों के अन्तर्गत रद्दों के रूप में बेच दिया जायेगा तथा बिक्री से बसूल की गई राशि को प्राप्ति शीर्ष 070 अन्य प्रशासनिक सेवा—अन्य प्राप्ति के नामे डाल दिया जायेगा।

8. रिकार्डों को नष्ट किए जाने से पहले सूचित किया जाना :—प्रत्येक वर्ष जनवरी में, पार्टियों द्वारा दायर किए गए दस्तावेजों, जिन्हें आगामी वर्ष में नष्ट किया जाना है, को विशेष रूप से सूचना-पट्ट पर लगा दिया जाएगा। यह भी चेतावनी दी जाएगी कि पाठ पार्टी द्वारा नष्ट करने की तारीख से पूर्व उनके लिए पूर्व दावा नहीं किया जाता तो वे नष्ट कर दिए जाएंगे। पार्टियों को कागजात की वापसी उप रजिस्ट्रार के आदेशों के अधीन की जाएगी।

II. विधि रिकार्ड

9. रिकार्डों का विभाजन :—इन नियमों के प्रयोजन के लिए मूल आवेदनों, स्थानांतरित आवेदनों, पुनर्विलोकन आवेदनों तथा अद्यतन आवेदनों के प्रत्येक न्यायिक रिकार्डों में तीन भाग होंगे अर्थात् भाग I, भाग II तथा भाग III।

10. न्यायिक रिकार्डों के भाग I, II तथा III को रखने की अवधि :—न्यायिक रिकार्डों के भाग I को स्थायी तौर पर सुरक्षित रखा जायेगा, न्यायिक रिकार्डों के भाग II तथा भाग III को क्रमशः 5 वर्ष तथा 3 वर्ष की समाप्ति पर नष्ट कर दिया जायेगा।

11. रजिस्ट्रार आदि में नष्ट किये जाने की कार्यवाही दर्ज करना :—संबंधित केस बंडल की विषय-सूची में, तथा साथ ही रिकार्ड रजिस्ट्रार के संगत कालम में जहां ऐसे कागजात या रिकार्ड चढ़ाए जाते हैं, उस तारीख को लाल रसाही से अक्षर “बी” बिनांक सहित लिखा जाये ताकि यह पता चल सके कि कागजात या रिकार्ड नष्ट कर दिया गया है।

अनुबन्ध-III

12. स्थायिक रजिस्ट्रारों, प्रशासनिक तथा सेवा रजिस्ट्रारों, सांख्यिकी रजिस्ट्रारों प्रशासनिक प्रयोजनों के लिए रखे गए कागजातों तथा फाइलों को क्रमशः अनुबन्ध संख्या III तथा IV पर वर्गीकृत किया है। इन रजिस्ट्रारों तथा कागजातों को उक्त अनुबन्धों में उल्लिखित अवधि की समाप्ति के बाद नष्ट किया जाएगा।

13 इसमें जो कुछ भी लिखा होने के बावजूब भी जब तक कोई प्राप्ति है या लेखों की पूरी तरह से जांच नहीं हो पाई है तथा लेखा-परीक्षा में स्वीकार नहीं हुए हैं, उन्हें तथा उनके वीषक दस्तावेजों को नष्ट नहीं किया जाना चाहिए नियमों में अनको सुरक्षित रखने की अवधि समाप्त भी हो गई हो।

14. यदि किसी न्यायिक रिकार्ड, न्यायिक प्रशासनिक रजिस्ट्ररों तथा कागजातों को सुरक्षित रखने की अवधि नीचे दिए गए अनुबन्धों में निर्दिष्ट नहीं की गई है, तो इसका निर्णय मुख्य पीठ के मामले में अध्यक्ष के अनुमोदन से तथा अन्य पीठ के मामले में संबंधित उपाध्यक्ष के अनुमोदन से रजिस्ट्रार उप रजिस्ट्रार द्वारा किया जायेगा।

अनुबन्ध-I

विषय-सूची का प्रपत्र

198 के कागजातों की संख्या—

रिकाई में कागजातों की क्रम संख्या	कागजातों की तारीख या	कागजातों का ग्यीरा
--------------------------------------	-------------------------	--------------------

भाग I भाग II भाग III

अनुबन्ध-II

मूल आवेदनः—स्थानान्तरित आवेदनः पुनर्विलोकन आवेदन अवमान आवेदन ।

भाग-I

1. विषय सूची पेपर।
2. आदेश शीट पर दिए गए आदेश सहित मुख्य मामलों, तथा उनसे उठने वाले विविध आवेदनों पर दिए गये निर्णय तथा आदेश।
3. उच्चतम न्यायालय से प्राप्त निर्णय तथा आदेश।

भाग-II

1. विविध आवेदनों/बादपत्तों/अनुबन्धों तथा दूसरे अन्य दस्तावेजों तथा अनुबन्धों सहित अभीष्टों के आपन, चाहे मूल हों या उनके साथ बायर की गई प्रतिलिपियाँ हों।
2. काउंटर/लिखित ध्यान तथा जवाबी हलफनामा।
3. हलफनामों के रूप में लिए गए गवाहों के सभी बयान।
4. ग्यायालय द्वारा प्राप्त किए गए सभी दस्तावेज या सत्यापित प्रतियाँ तथा जिन्हें प्रवेश रिपोर्ट तथा आयुक्तों की जाँच अंकित किया गया है।

भाग-III

1. नोटिस।
2. कांवेसन द्वारा फाइल किए गए पत्र तथा अन्य पत्राचार, वकालत-नामा पेश होने के लिए तैयार।
3. अन्य सभी कागजात जिनका पहले उल्लेख नहीं किया गया है।

न्यायिक विभाग में रखे जाने वाले रजिस्टर

क्रम संख्या	विवरण	रखने की अवधि
1	2	3
1.	स्टेम्प रजिस्टर (सामान्य)	} स्थायी
2.	बिस्ट्रुक्थान रजिस्टर	
3.	उच्चतम न्यायालय से प्राप्त आवेशों की दणति वाला रजिस्टर	
4.	न्यायाधीशों द्वारा दैनिक कार्य-निष्पादन का रजिस्टर	
5.	एडवोकेट क्लर्कों के नाम बगाने वाला रजिस्टर	
6.	स्थानान्तरित अभ्यावेदन फाइलिंग रजिस्टर	} 10 वर्षों के लिए
7.	मूल अभ्यावेदन फाइलिंग रजिस्टर	
8.	पुनरीक्षा अभ्यावेदन फाइलिंग रजिस्टर	
9.	अवज्ञा अभ्यावेदन फाइलिंग रजिस्टर	
10.	विविध अभ्यावेदन फाइलिंग रजिस्टर	
11.	स्थानान्तरित किए गए प्राप्त अभ्यावेदनों का निष्पादन रजिस्टर	
12.	मूल अभ्यावेदन निष्पादन रजिस्टर	
13.	पुनरीक्षा अभ्यावेदनों का निष्पादन रजिस्टर	
14.	अवज्ञा अभ्यावेदनों का निष्पादन रजिस्टर	
15.	कागजातों का बापसी रजिस्टर	} 5 वर्षों के लिए
16.	अन-स्टेम्प रजिस्टर	
17.	विषय सूची (कीज लिस्ट) रजिस्टर	
18.	निर्णीत मामलों का वितरण रजिस्टर	
19.	मूल अभ्यावेदन नम्बरिंग रजिस्टर (तेटेल बुक)	} 3 वर्षों के लिए
20.	पुनरीक्षण अभ्यावेदन संख्यांकन रजिस्टर	
21.	अवज्ञा अभ्यावेदन संख्यांकन रजिस्टर	
22.	विविध अभ्यावेदन संख्यांकन रजिस्टर	
23.	उपस्थिति/वकालतों के ज्ञापन और प्रत्युत्तर (काउंटर) भेजने के रजिस्टर	
24.	स्थानान्तरण अभ्यावेदन नोटिस रजिस्टर	
25.	मूल अभ्यावेदन नोटिस रजिस्टर	
26.	पुनरीक्षण अभ्यावेदन नोटिस रजिस्टर	
27.	अवज्ञा अभ्यावेदन नोटिस रजिस्टर	
28.	विविध अभ्यावेदन नोटिस रजिस्टर	
29.	उप पंजीयक के न्यायालय का स्थगन नोटिफ रजिस्टर	
30.	स्थानान्तरण अभ्यावेदन तैनाती रजिस्टर	
31.	मूल अभ्यावेदन पोस्टिंग रजिस्टर	
32.	अभ्यावेदन पोस्टिंग रजिस्टर का पुनरीक्षण	
33.	अवज्ञा अभ्यावेदन पोस्टिंग रजिस्टर	
34.	निर्णय के लिए प्रारक्षित मामलों को बगाने वाला रजिस्टर	
35.	स्थगन रजिस्टर	
36.	दैनिक कार्य आइटम रजिस्टर (ड्राफ्टिंग, टाइपिंग तथा मिलान के लिए)	
37.	सत्यापित वस्तावेज जारी करने वाला रजिस्टर	
38.	अन्य अनुभागों को स्थानान्तरित करने के मानकों (टेल बुक)	
39.	जारी करने का रजिस्टर	
40.	निरीक्षण का रजिस्टर	

अनुबन्ध-IV

प्रशासनिक रजिस्टर/कागजात

क. लेखा/रोकड़ अनुभाग में रखी जाने वाली फाइलों की सूची

क्रम संख्या	विवरण	रखने की प्रवधि
1	2	3
1.	लेखों पर पत्राचार	} स्थायी
2.	सामान्य भविष्य निधि खातों पर पत्राचार	

3. स्थानान्तरित कर्मचारियों के संबंध में केन्द्रीय प्रशासनिक अधिकरण द्वारा जारी किया गया अंतिम वेतन प्रमाण पत्र और केन्द्रीय प्रशासनिक अधिकरण को स्थानान्तरित कर्मचारियों के संबंध में प्राप्त किए गए अंतिम वेतन प्रमाण-पत्र	स्थायी	8. वित्तीय शक्तियों का प्रत्यायोजन।	
4. कार्यालय आदेशों, मंजूरी आदेशों, छुट्टी मंजूरी आदेशों प्राप्ति की प्रतियां।		9. अनुसूचित जातियों अनुसूचित जनजातियों के लिए पदों का आरक्षण।	
5. भारत सरकार के महत्वपूर्ण आदेश		10. एस.आई.यू. अध्ययन रिपोर्ट पर पत्राचार।	स्थायी
6. आन्ध्र प्रदेश सरकार के महत्वपूर्ण आदेश		11. केन्द्रीय प्रशासनिक अधिकरण, (अध्यक्ष उपाध्यक्ष और सदस्यों के वेतन और भत्ते तथा सेवा शर्तों) संशोधन नियमावली, 1987।	
7. आयकर वसूली विवरणियां	10 वर्ष	12. नियमों को बनाने संशोधन से संबंधित सभी फाइलें।	
8. वेतन वृद्धि प्रमाण पत्रों की प्रतियां	6 वर्ष।	13. प्रशासनिक अधिकरण (पद्धति) नियमावली, 1986	
9. वेतन से काटी गई वसूतियों की सूची		14. एयर कूलर, एयर कन्डिशनर्स तथा वाटर कूलर	
10. व्यावसायिक कर वसूली सूची		15. जीरोक्स मशीन	उस तारीख तक
11. वित्तीय व्यय की रकमों का पुनः समाधान ए.ए. ओ./पी.ए.ओ. को मासिक व्यय विवरणों का जारी करना		16. इलेक्ट्रॉनिक टाइपराइटर	जब तक इसे
12. रिजर्व बैंक ऑफ इंडिया से प्राप्त रिमिट स्कूल		17. पेडस्टल फैन	नष्ट नहीं समझ
13. बैंक से प्राप्त प्राप्तियों टटपा अदायगियों का मासिक विवरण	5 वर्ष	18. वाटर फिल्टर	लिया जाता।
14. अदायगियों की सूची और वेतन तथा लेखा प्राधिकारी कैंट नई दिल्ली को प्रस्तुत किए गए मासिक लेख		19. मोटर साइकिल का रख-रखाव	
15. भारतीय रिजर्व बैंक से प्राप्त पैसे स्कूल।		20. मोटर कारों का रख-रखाव	
16. अदा किए गए चालान		21. फ्रिज मशीन	
17. प्रयुक्त बैंक बुकों की काउंटर फाइलें।		22. मेस्टेटरन मशीन	
18. वित्तीय रसीदों के संबंध में बैंक समाधान विवरण।		23. कार्यालय के लिए स्थान, कार्यालय परिसर के किराये, पानी और बिजली प्रभारों तथा कार्यालय भवन के लिए भवायगी की व्यवस्था	10 वर्ष
19. छुट्टी यात्रा रिपायस बलों की कार्यालय प्रतियां	4 वर्षों के लिए	24. बिजली के उपकरणों को लगाने के लिए सी.पी. डब्ल्यू.डी. के साथ पत्राचार	
20. वेतन प्रिलों की कार्यालय प्रतियां		25. अनुशासनिक तथा अन्य प्रशासनिक मामलों	जांच पड़ताल पूरी ह के बाद 5 वर्ष
21. आकस्मिक (कंटिजेंट) बिलों की कार्यालय प्रतियां		26. लिपटों के बारे में पत्र-व्यवहार	
22. चिकित्सा प्रति पूर्ति की कार्यालय प्रतियां	3 वर्षों के लिए	27. सभी कर्मचारियों के वेतन नियतन की फाइलें	
23. ट्यूशन फीस प्रतिपूर्ति की कार्यालय प्रतियां		28. दीर्घकालीन छुट्टियां, सफिट बैठकें आदि	
24. वार्षिक : सामान्य अतिथि निधि अभिन बिलों की कार्यालय प्रतियां।		29. रेलवे कंजेशनमेंटस प्राप्ति तथा निगमन	5 वर्षों के लिए
25. पी.ए. अधिकारी को प्री-बैंक के लिए भेजे गए बिलों की कार्यालय प्रतियां।		30. टेलीग्राफ क्रेडिट अकाउंट फाइल	
26. एल.ओ.सी. पर पत्राचार		31. उपाध्यक्षों की वार्षिक बैठक	
27. वेतन स्विचों की कार्यालय प्रतियां	2 वर्ष	32. स्टेट स्टाफ को अधिम वेतन वृद्धियां	
28. यात्रा भत्ता बिलों की कार्यालय प्रतियां	1 वर्ष के लिए	33. बजट फाइलें (विभिन्न उप-शीर्षों के अन्तर्गत आबंटन की व्यवस्था।	
29. वेतन और लेखा अधिकारी की जांच के बाद की अभिप्रतियां।	जब तक आप-लिया अंतिम रूप से क्लियर नहीं हो जाती।	34. आगस्तुकों के लिए आतिथ्य सत्कार की व्यवस्था	
ख. स्थापना/स्टोर अनुभाग में रखी गई फाइलों की सूची		35. रबड़ स्टैम्प की खरीद	
1. नियुक्तियां (अस्थायी, तदर्थ, नियमित) मंत्रों प्रचार, कर्मचारी अनुसार, फाइलें।		36. फार्म तथा रजिस्ट्रों की छपाई	
2. भर्ती नियम आदि।		37. रजिस्ट्रों तथा प्रिंटिड फार्मों का स्टॉक तथा वितरण	3 वर्ष
3. सामान्य फाइलें स्टॉक फाइलें।	स्थायी	38. फर्नीचर, फार्म, स्टेशनरी तथा विविध पर्वों पर व्यय का विनियमन	
4. कार्यालय परिसर के लिए नई बिल्डिंग की खींच		39. पेट्रोल कूपन काउंटरफोल्स	
5. टेलीफोन लगाने उनका रखरखाव		40. डी.डी.ओ. के ममूना हस्ताक्षर	2 वर्ष
6. पोस्टल बैग/शेक के संबंध में पत्राचार		41. गेस्ट हाऊस आदि का आरक्षण	1 वर्ष
7. टेलीग्राफिक पते पर पत्राचार		42. स्थानीय परिवहन प्रभारों की प्रतिपूर्ति	
		43. आकस्मिक छुट्टी की मंजूरी, बेरी से उपस्थिति में छूट।	
		44. फायरक 1इस	सेवानिवृत्ति मृत्यु त्यागपत्र के बाद 2 वर्ष

45. साक्षिक की स्वीकृति, ल्योहार अधिम, समयोपरि } अन्तिम बसूली
भला, लुटी यात्रा रियायत, एम.सी.ए., सामान्य } के बाद 3 वर्ष
भविष्य निधि अधिम, एक भाग की अन्तिम }
निकासी आदि।
46. उच्च अधिकारियों का रेलवे में आरक्षण (एच. } उधार को निप-
पो.प्रार.) } ढाने के बाद
} एक वर्ष।
47. आन्तरिक टेस्ट अडिट नोट्स रिपोर्ट के निपटान
के बाद 3 वर्ष
48. प्रतिनियुक्ति पर स्टाफ को बनाये रखना प्रतिनियुक्ति की
अवधि पूरी होने
के बाद 3 वर्ष
49. स्टाफ क्वार्टरों के सामान्य पूल आवास का प्रावर्तन 3 वर्ष
बी.सी. मायूर, उपाध्यक्ष केन्द्रीय प्रशासनिक अधिकरण

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

(Department of Personnel & Training)

New Delhi, 13th September, 1990

S.O. 3462.—In exercise of the powers conferred by sub-clause (4) of clause (c) of sub-section (2) of Section 3 of the Destruction of Records Act, 1917 (Act V of 1917), the Central Government hereby authorises the Chairman, Central Administrative Tribunal to frame the rules, with the previous approval of the Central Government, regarding destruction of records in the custody of the Tribunal.

[F. No. A-11019/33/88/AT]

S. M. SAHARIAR, Desk Officer (AT)

ANNEXURE

RULES FOR DESTRUCTION OF RECORDS

In exercise of the powers conferred by the Central Government under sub-clause (ii) of clause (c) of sub-section (2) of section 3 of the Destruction of Records Act, 1917 (Act V of 1917) the Chairman, Central Administrative Tribunal, hereby makes with the previous approval of the Central Government, the following rules to regulate the destruction of records, books and papers of all Benches of the Central Administrative Tribunal, namely:—

I. GENERAL

1. Short title and commencement.—(i) These rules be called Central Administrative Tribunal (Destruction of Records) Rules, 1990.

(ii) They shall come into force from the date of publication in the Gazette in the Gazette of India.

2. Definitions.—In these rules, unless the context otherwise requires,—

- (a) "Permanent preservation" means preservation for a period of 30 years.
- (b) "Supervising Officer" means an Officer appointed by Chairman in the case of Principal Bench and by Vice-Chairman in the case of other benches.

3. Preparation of index and separation of Parts:— After receipt of a judicial record in the record section a fresh index in the form contained in Annexure I will be prepared. The papers will be numbered and entered in the index under the appropriate part to which it belongs. The part to which a particular paper belongs shall be determined with respect to Annexure II enclosed to these rules.

4. Records when treated as having reached completion.—
- (a) The Judicial record in a case shall be treated as having reached completion on the date of the final order

of the Bench or in the event of an appeal to the Supreme Court on the date of the final order of the Supreme Court as the case may be.

- (b) In the case of Registrars and other papers in the Judicial and Administrative branches the date of completion shall be the date on which the Registrar was closed and in the case of files and other papers the date on which the final order was passed thereon.

5. Records when to be taken up for destruction.—All records/registrars/files shall be retained in the record room from the date of completion till the expiry of the period prescribed under these rules and on expiry of such period they shall be destroyed without fail :

Provided that the Registrar of the Bench concerned or the Deputy Registrar authorised by him, may for reasons to be recorded in writing order that any particular paper or the record of any particular case be preserved beyond such period ;

Provided further that documents filed by any officer of Government or produced by such officer shall not be destroyed if not previously re-claimed, but shall invariably be returned to the office from which they were produced.

6. Supervision of destruction.—The destruction of judicial records, books and papers shall be carried out from time to time as may be necessary, and subject to the general superintendence of the Deputy Registrar (Judl.), and be supervised by such officer (hereinafter called the Supervising Officer), as may be appointed by the Chairman in the case of Principal Bench and the Vice Chairman in the case of other Benches.

(7) (i) Manner of destruction of records.—The destruction of judicial records, books and papers shall be effected in any of the following manner :

- (a) tearing so as to render it unlikely that the document so torn may be used again;
- (b) tearing and burning it ;
- (c) destroying with the help of a Paper Shredding Machine.

(ii) Sale of paper destroyed and credit of sale price : The paper after the Supervising Officer has certified that the destruction has rendered such judicial records, books and papers of no value, unless the same is burnt, shall be sold as waste under the orders of the Registrar and proceeds of the sale shall be credited to the receipt Head 070 other Administrative Service-other receipts.

8. Notice before Destruction of records:—In JANUARY each year a notice specifying the documents filed by parties which will be destroyed during the ensuing year will be displayed on the Notice Board. A warning will be given that unless previously reclaimed by the party entitled before the due dates of destruction, the destruction will ensue. Return of documents to parties will be made under the orders of the Deputy Registrar.

II. JUDICIAL RECORDS

9. Division of Records.—Every judicial record of Original Applications, Transferred Applications, Review Applications and Contempt Applications for the purpose of these rules shall consist of three parts, namely, part-I, part-II and part-III.

10. Period for retention of parts I, II and III of the Judicial Record : Part-I of the Judicial Record shall be preserved permanently; Part-II and Part-III of a Judicial Record shall be destroyed after the expiry of 5 years and 3 years respectively.

11. Note of destruction to be made in register etc.—Letter "D" with date indicating that a paper or record has been destroyed on that date may be made in red ink in the index of the respective case bundle as well as in the relevant column of the record register in which such paper or record is entered.

III. OTHER JUDICIAL AND ADMINISTRATIVE REGISTER AND PAPERS

12. Judicial Registers, Administrative and Accounts Registers, Statistical Registers and the papers and filed maintained for administrative purposes are shown in annexure nos. III

and IV respectively. These Registers/Papers will be destroyed after expiry of the periods mentioned in the said annexures.

13. Notwithstanding anything contained herein so long as an objection is outstanding and the Accounts have not been completely checked and accepted in Audit, they and the supporting documents should not be destroyed even though the period of preservation in the rules may have expired.

14. The period of retention in the record room for any Judicial record, Judicial/Administrative registers and papers not specified in the annexures hereunder, shall be decided by the Registrar/Deputy Registrar with the approval of the Chairman in the case of Principal Bench and respective Vice-Chairmen in the case of other Benches.

ANNEXURE-I

FORM OF INDEX

LIST OF PAPERS IN NO. OF 198

Serial number of papers
on record

Date of paper
or
Date of filing
Description of
paper

Part I Part II Part III

ANNEXURE-II

Original Applications.—Transferred Applications.—Review Applications; Contempt Applications.

PART-I

1. Index Paper.
2. All Judgments and orders including orders on order sheet in the Main cases and Miscellaneous Applications arising therefrom.
3. Judgments and orders received from Supreme Court.

PART-II

1. All applications including Miscellaneous Applications|Plaints|Memorandum|appeals together with annexures and all other documents, whether original or copies filed with them.
2. Counters|Written Statement and Reply Affidavits.
3. All depositions of witnesses taken by way of Affidavit.
4. All documents or certified copies received by the Court and marked as exhibits, reports and examination of Commissioners.

PART-III

1. Notices.
2. Letters filed by the Counsel and other correspondence, Vakalatnama|Memo of Appearance.
3. All other papers not already specified.

ANNEXURE—III

REGISTERS MAINTAINED IN JUDICIAL DEPARTMENT

Sl. No.	Description	Period of retention
1. Stamp Register (General)	}	Permanent
2. Destruction Register		
3. Register showing orders received from the Supreme Court		
4. Judges' Daily disposal Register		
5. Register showing the names of the Advocates/Clerks.		

6. Transferreds Application filing Register	}	10 Years
7. Original Applications filing Register		
8. Review Applications filing Register		
9. Contempt Applications filing Register		
10. Miscellaneous Applications filing Register		
11. Disposal of Transferred Applications Received Register		
12. Disposal of Original Applications Register		
13. Disposal of Review Applications Register		
14. Disposal of Contempt Applications Register		
15. Register for return of documents		

16. Un-Stamp Register	}	5 Years
17. Register of Cause List		
18. Register of Distribution of decided cases		

19. Original Applications numbering Registers (Tail book)	}	3 Year
20. Review Applications numbering Register		
21. Contempt Application numbering Register		
22. Miscellaneous Application numbering Register		
23. Register for sending counters and Memo of Appearance/Vakalats		
24. Transferred Applications Notice Register		
25. Original Applications Notice Register		
26. Review Applications Notice Register		
27. Contempt Application Notice Register		
28. Miscellaneous Applications Notice Register		
29. Register noting adjournment of Dy. Registrar's Court		
30. Transferred Applications posting Register		
31. Original Applications posting Register		
32. Review Applications posting Register		
33. Contempt applications posting Register		
34. Register showing the cases reserved for judgment		
35. Adjournment Register		
36. Daily work allotment Register (for Drafting, Typing and Comparing)		
37. Certified Documents issuing Register		
38. Cases transferring to other Sections (Tail book)		
39. Issuing Register		
40. Register of Inspections		

ANNEXURE-IV

ADMINISTRATIVE REGISTERS/PAPERS

A. LIST OF FILES MAINTAINED IN ACCOUNTS/ CASH SECTION

Sl. No.	Description	Period of Retention
1.	Correspondence on Accounts.	
2.	Correspondence on G.P.F. Accounts	

1	2	3	1	2	3
3. Last Pay Certificate issued by CAT in respect of transferred employees and Last Pay Certificate received in respect of employees transferred to CAT.		Permanent	12. All files relating to drafting/amendment of Rules.		Permanent
4. Copies of Office Orders, Sanction Orders, Leave Sanction Orders, etc.			13. Administrative Tribunals (Procedure) Rules, 1986		
5. Important orders of Govt. of India			14. Air Coolers, Air Conditioners and Water Coolers.		
6. Important orders of Govt. of A.P.			15. Xerox Machine		
7. Income Tax Recovery Statements		10 Years	16. Electronic Typewriter		
8. Copies of Increment Certificate		6 Years	17. Pedestal Fans		
9. Schedules of recoveries affected from salaries			18. Water Filters		
10. Professional Tax Recovery Schedules			19. Motor Cycle Maintenance		
11. Reconciliation of Departmental expenditure figures and issue of monthly statement of expenditure to H.O./P.A.O.			20. Motor Cars Maintenance		
12. Receipt Scrolls received from R.B.I.			21. Franking Machine		
13. Monthly Statement of Receipts and payments received from Bank			22. Greeting Machine		
14. List of Payments and Monthly Account submitted to P.A.O., CAT, N.W.D. etc.		5 years	23. Office accommodation, arrangements or payment of rent for office premises, water and electricity charges and office building		10 years
15. Payment Scrolls received from R.B.I.			24. Electric installations, correspondence with C/P/W.D.		
16. Paid Challans			25. Disciplinary and other Administrative matters		5 years after close of the enquiry
17. Counterfoils of used cheque books		4 Years	26. Correspondence on Lists		
18. Bank Reconciliation statement in respect of Departmental receipts.			27. Pay Fixation Files of all employees		
19. Office Copies of L.T.C. Bills			28. Vacation, Holidays, Circuit Sitings etc.		
20. Office copies of Pay Bills			29. Railway consignments receipts and issue		5 years
21. Office copies of Contingent Bills			30. Telegram Credit Account File		
22. Office copies of Medical Reimbursement		3 Years	31. Annual Conference of Vice Chairman		
23. Office copies of Reimbursement of Tuition fees			32. Advance Increments to State Staff		
24. Office copies of Cycle & GPF Advance Bills			33. Budget files (allocation of provision under various sub-heads)		
25. Office copies of Bills sent to PAO for Pre-check			34. Entertainments arrangements for visitors		
26. Correspondence on L.O.C.		2 years	35. Purchase of Rubber Stamps		
27. Office copies of Pay Slips		1 year	36. Printing of Forms and Registers		3 years
28. Office copies of T.A. Bills			37. Stock and Distribution of Registers and Printed Forms		
29. Post Check remarks of P.A.O.		Till the objections are finally cleared.	38. Regulation of expenditure on furniture, forms, stationery and miscellaneous items.		
			39. Petrol Coupon Counterfoils.		
			40. Specimen Signatures of D.D.O.		
			41. Reservation of Guest House etc.		

B. LIST OF FILES MAINTAINED IN ESTABLISHMENT/ STORES SECTION

1. Appointments (Temporary, Adhoc, Regular) cadre-wise, employees-wise, files.			42. Reimbursement of Local Conveyance Charges.		2 years
2. Recruitment rules etc.			43. Sanction of CL., condoning of late attendance etc.		1 year
3. General Files/Stock files.			44. Personal Files		Two years after retirement/deth/resignation
4. Purchase of new Building for office premises			45. Sanction of Cycle, Festival advances, 3 years after final O.T.A., L.T.C., M.C.A., GPF. Advances, Part-Final Withdrawals etc.		final recovery
5. Telephone Installation and upkeep			46. High Officials Railway Reservations (H.O.R.)		On year after the debits are settled.
6. Correspondence regarding Postal Bag/Box					
7. Correspondence on Telegraphic Address		Permanent			
8. Delegation of Financial Powers					
9. Reservation of posts for SC/ST candidates					
10. Correspondence of S.I.U Study Report					
11. C.A.T. (Salaries & Allowances and Conditions of service of Chairman, Vice-Chairman and Members) Amendment Rules, 1987.					

1	2	3
47. Internal Test Audit Notes		3 years after the report is settled.
48. Continuation of Staff on deputation		3 years after completion of deputation.
49. Allotment of General Pool Accommodation of Staff Quarters.		3 years
B.C. MATHUR, Vice Chairman CAT (P.B.)		

वित्त मंत्रालय

(राजस्व विभाग)

नई दिल्ली, 20 अक्टूबर, 1990

आयकर

का.भा. 3463—आयकर अधिनियम, 1961 (1961 का 43) की धारा 193 के परन्तुक के खण्ड (ii) द्वारा दत्त शक्तियों का प्रयोग करने हुए केन्द्रीय सरकार एनडब्ल्यू द्वारा भारतीय औद्योगिक विकास बैंक, बम्बई द्वारा जारी किए गए "11.5 % भारतीय औद्योगिक विकास बैंक बंधपत्र-2010 (57वीं श्रृंखला)" को उक्त खण्ड के प्रयोजनार्थ विनिर्दिष्ट करती है :

परन्तु उक्त परन्तुक के अधीन कायदा ऐसे बंधपत्रों के पृष्ठांकन अथवा परिदान द्वारा अस्वरण के मामले में तभी अनुज्ञेय होगा जब अन्तर्गति ऐसे अस्वरण के साठ दिन की अवधि के भीतर रजिस्ट्रीकृत डाक द्वारा भारतीय औद्योगिक विकास बैंक को सूचित करता है।

[संख्या 8756/का.सं. 275/104/90-आयकर(ब.)]

बी.ई. एलेक्जेंडर, सचिव

MINISTRY OF FINANCE

(Department of Revenue)

New Delhi, the 20th October, 1990

INCOME-TAX

S.O. 3468.—In exercise of the powers conferred by clause (iib) of the proviso to section 193 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby specifies the "11.5 percent Industrial Development Bank of India Bonds—2010 (Fifty-Seventh Series)" issued by the Industrial Development Bank of India, Bombay for the purposes of the said clause :

Provided that the benefit under the said proviso shall be admissible in the case of transfer of such bonds, by endorsement or delivery, only if the transferee informs the Industrial Development Bank of India by registered post within a period of sixty days of such transfer.

[No. 8756/F. No. 275/104/90-IT(B)]

B. E. ALEXANDER, Under Secy.

नई दिल्ली, 6 दिसम्बर, 1990

का.भा. 3464.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 117 की उपधारा (1) द्वारा दत्त शक्तियों का प्रयोग करने हुए केन्द्रीय सरकार एनडब्ल्यू नीचे की गई तालिका के कालम (1) में विनिर्दिष्ट अधिकारियों को कालम (2) में विनिर्दिष्ट संबंधित आयकर अधिकारियों के रूप में उसके कालम (3) में की तदनुकूली प्रविष्टि में विनिर्दिष्ट क्षेत्रों के लिए नियुक्त करती है:—

तालिका

(1)	(2)	(3)
1. दिल्ली स्थित प्रधान कार्यालय में तैनात केन्द्रीय आर्थिक आसूचना ब्यूरो के सभी उप महानिदेशक	आयकर निदेशक	समूचा भारत
2. दिल्ली में स्थित प्रधान कार्यालय में तैनात केन्द्रीय आर्थिक आसूचना ब्यूरो के सभी सहायक महानिदेशक	उप आयकर निदेशक	—यथोक्त—
3. दिल्ली में स्थित प्रधान कार्यालय में तैनात केन्द्रीय आर्थिक आसूचना ब्यूरो के सभी वरिष्ठ तकनीकी अधिकारी	सहायक आयकर निदेशक	—यथोक्त—

[सं 8781/का.सं. 87/9/90-आयकर (नि.-1)]

दलीप सिंह, विशेष कार्य अधिकारी

New Delhi, the 6th December, 1990

S.O.3464.—In exercise of the powers conferred by sub-section (1) of Section 117 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby appoints the officers specified in column (1) of the Table below to be the respective income-tax authorities specified in column (2) for the areas specified in the corresponding entry in column (3) thereof:—

TABLE

(1)	(2)	(3)
1. All Deputy Directors General of the Central Economic Intelligence Bureau posted at headquarters in Delhi.	Directors of Income-tax	Whole of India
2. All Assistant Directors General of the Central Economic Intelligence Bureau posted at headquarters in Delhi.	Deputy Directors of Income-tax	-do-
3. All Senior Technical Officers of the Central Economic Intelligence Bureau posted at headquarters in Delhi.	Assistant Directors of Income-tax.	-do-

[No. 8731 (F. No. 187/9/90-IT(A-I))]

DALIP SINGH, Officer On Special Duty

नई दिल्ली, 14 दिसम्बर, 1990

आवेश

स्टाम्प

का.भा. 3465—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एनडब्ल्यू द्वारा उस शुल्क को माफ करती है जो इंडियन रेस्पुब्लिक ऐनर्जी डेवलपमेंट एजेंसी लि., नई दिल्ली द्वारा जारी किए जाने वाले पच्चीस करीड़ रु. मानक मूल्य के "9 प्रतिशत (कर मुक्त) उर्जा बंधपत्र श्रृंखला-I" ऋणपत्रों के स्वरूप वाले बंधपत्रों पर उक्त अधिनियम के अन्तर्गत प्रभावी है।

[सं. 41/90-स्टाम्प/का.सं. 33/42/90-वि.क.]

ORDER

New Delhi, the 14th December, 1990

STAMPS

S.O. 3465.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the duty with which the bonds in the nature of debentures—"9 percent (tax-free) Energy Bonds series-1" of the value of rupees twenty five crores only to be issued by Indian Renewable Energy Development Agency Limited, New Delhi are chargeable under the said Act.

[No. 41/90-Stamps/F. No. 33/42/90-ST]

आदेश

नई दिल्ली, 17 दिसम्बर, 1990

स्टाम्प

का.आ. 3466.—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 का उपधारा (I) के खण्ड (क) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उस शुल्क को माफ करती है जो राष्ट्रीय लघु उद्योग निगम लिमिटेड द्वारा जारी किए जाने वाले बारह करोड़ रुपए मात्र के मूल्य के "आई डी बी आई श्रृंखला—12.00 करोड़ रुपए 1990-प्रथम श्रृंखला" के रूप में वर्णित प्रामिसरी नोटों के स्वरूप वाले वैधपत्रों पर उक्त अधिनियम के अन्तर्गत प्रभावी है।

[सं. 42/90-स्टाम्प/फा सं. 33/37/90-वि.क.]

वी.के. स्वामिनाथन, अधिवक्ता

ORDER

New Delhi, the 17th December, 1990

STAMPS

S.O. 3366.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the duty with which the bonds in the nature of promissory notes described as "IDBI LOAN—Rs. 12.00 crores 1990—First Series" of the value of rupees twelve crores only to be issued by the National Small Industries Corporation Limited, New Delhi are chargeable under the said Act.

[No. 42/90-Stamps-F. No. 33/37/90-ST]
V. K. SWAMINATHAN, Under Secy.

(आर्थिक कार्य विभाग)

(वैकिता प्रभाग)

नई दिल्ली, 13 दिसम्बर, 1990

का.आ. 3467.—भारतीय स्टेट बैंक अधिनियम, 1955 (1955 का 23) की धारा 19 की उप धारा (1) के खण्ड (ख) और धारा 20 की उपधारा (1) के अनुसरण में केन्द्रीय सरकार भारतीय रिजर्व बैंक के परामर्श से, एतद्वारा श्री टी.के. मिश्रा, उप प्रबन्ध निदेशक, भारतीय स्टेट बैंक की उनके द्वारा कार्यभार ग्रहण करने की तारीख से प्रारम्भ होकर, 2 जनवरी, 1992 को समाप्त होने वाली अवधि के लिए भारतीय स्टेट बैंक के प्रबन्ध निदेशक के रूप में नियुक्त करती है।

[संख्या एक. 8/5/90-बी.प्रो.]

श्रीमती अनिता कपूर, उप सचिव

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 13th December, 1990

S.O. 3467.—In pursuance of clause (b) of sub-section (1) of section 19 and sub-section (1) of section 20 of the State Bank of India Act, 1955 (23 of 1955), the Central Government, in consultation with the Reserve Bank of India, hereby appoints Shri T. K. Sinha, Deputy Managing Director, State Bank of India as Managing Director of the State Bank of India for the period commencing with the date of his taking charge and ending with 2nd January, 1992.

[No. F. 8/5/90-BO.I]

MRS. ANITA KAPUR, Dy. Secy.

का.आ. 3468.—राष्ट्रीयकृत बैंक (प्रबन्ध और वकीर्ण उपबंध) योजना, 1980 के खण्ड 3 के उप खण्ड (छ) के अनुसरण में केन्द्रीय सरकार श्री बी.के. पाल, अतिरिक्त नियंत्रक, विनियम नियंत्रण विभाग, भारतीय रिजर्व बैंक, बम्बई को श्री आर.के. जलान के स्थान पर एतद्वारा ओरियंटल बैंक आफ कामर्स के निदेशक के रूप में नियुक्त करती है।

[सं. एक 9/9/90-बी. प्रो.]

एम.एस. सीतारामन, अधिवक्ता

S.O. 3468.—In pursuance of sub-clause (g) of clause 3 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1980, the Central Government hereby appoints Shri B. K. Pal, Additional Controller, Exchange Control Department, Reserve Bank of India, Bombay as a Director of Oriental Bank of Commerce vice Shri R. K. Jalan.

[F. No. 9/9/90-BO. I]

M. S. SEETHARAMAN, Under Secy.

समाहृतनिय केन्द्रीय उत्पाद शुल्क एवं सीमा शुल्क : मध्य प्रदेश

इन्दौर, 2 नवम्बर, 1990

का. आ. 3469.—समाहृतनिय, केन्द्रीय उत्पाद शुल्क, इन्दौर के सर्वोच्च एम. दासगुप्त एवं एस. के. पुरन्दरे, अधीक्षक, समूह "ख" निवर्तन आय प्राप्त करने पर दिनांक 30-09-1990 (अपरान्ह) को शासकीय सेवा से निवृत्त हो गए।

[संख्या 210/1990 (फा. सं. II(3) 8—गोप/89]

CENTRAL EXCISE COLLECTORATE : (M.P.)

Indore, the 20th November, 1990

S.O. 3469.—S/Shri S. Dasgupta and S. K. Purandare, Superintendents, Central Excise, Group 'B' of Indore Collectorate having attained the age of superannuation, retired from Government service on 30th September, 1990.

[No. 210/1990/C. No. II(3) 8-Con/89]

का. आ. 3470.—समाहृतनिय, केन्द्रीय उत्पाद शुल्क, इन्दौर के श्री एम. जी. धोमने, अधीक्षक, समूह "ख", निवर्तन आय प्राप्त करने पर दिनांक 31-10-90 (अपरान्ह) को शासकीय सेवा से निवृत्त हो गए।

[संख्या 211/1990 [फा. सं. II(3) 8 गोप/89]]

वालाकृष्ण अग्रवाल, समाहर्ता

S.O. 3470.—M. G. Dhonne, Superintendent, Central Excise, Group 'B' of Indore Collectorate having attained the age of Superannuation, retired from Government service on 31-10-1990.

[Notification No. 211/1990/C. No. 11(3)8-Con/89]

B. K. AGARWAL, Collector

वाणिज्य मंत्रालय

(मुख्य नियंत्रक आयात-निर्यात का कार्यालय)

आदेश

नई दिल्ली, 10 दिसम्बर, 1990

का. घा. 3471.—मै. एलनबरीज इण्डस्ट्रियल गैसेज लि., कलकत्ता को मूल विदेशी मुद्रा के अन्तर्गत 47 लीटर पानी की क्षमता वाले 2000 खाली गैस सिलिण्डरों और 40 लीटर पानी की क्षमता वाले 8602 खाली गैस सिलिण्डरों के आयात के लिए 76,36,096 रुपए (छत्तर लाख छत्तीस हजार छियानवे रुपये मात्र) का एक आयात लाइसेंस सं. पी/सी जी/2043230/सी/एक्स एक्स/07/एच/88/सी जी-3/एस एस, दिनांक 22-3-1988 दिया गया था। फर्म ने उक्त लाइसेंस की विनिमय नियंत्रण प्रति की दूसरी प्रति इस आधार पर जारी करने के लिए आवेदन किया है कि इस लाइसेंस की मूल विनिमय नियंत्रण प्रति खो या ग़ुम हो गई है। यह भी बताया गया है कि लाइसेंस की सीमा शुल्क प्रयोजन प्रति की सीमा शुल्क प्राधिकारी, कलकत्ता से पंजीकृत करा दिया गया है तथा आगिक रूप में उसका प्रयोग भी किया गया है।

2. अपने तर्क के समर्थन में लाइसेंसधारी ने नोटरी पब्लिक के समक्ष स्टाम्प पेपर पर विवक्षित शपथ लेकर एक हल्कनामा दाखिल किया है। तबनुसार मैं खुश हूँ कि आयात लाइसेंस सं. पी. सी जी/2043230 एक्स एक्स/सी/07/एच/88/सी जी-3/एस एस, दिनांक 22-3-88 की मूल विनिमय नियंत्रण प्रति खो या ग़ुम हो गई है। यथा संशोधित आयात (नियंत्रण) आदेश, 1955, दिनांक 7-12-1955 के उपखण्ड 9(ग) के अन्तर्गत प्रदत्त अधिकारों का प्रयोग करते हुए मैमर् एलनबरीज इण्डस्ट्रियल गैसेज लि. को जारी की गई उक्त मूल विनिमय नियंत्रण प्रति संख्या पी/सी जी/2043230/सी/एक्स एक्स/07/एच/88/सी जी-3/एस एस, दिनांक 22-3-88 को एतद्वारा रद्द किया जाता है।

पार्टी को उपर्युक्त लाइसेंस की दूसरी विनिमय नियंत्रण प्रति अलग से जारी की जा रही है।

[सं. सी जी-3/1887/19/जी ए एम/86-87]

एस.के. भारद्वाज, उप मुख्य नियंत्रक, आयात-निर्यात

हुते मुख्य नियंत्रक, आयात-निर्यात

MINISTRY OF COMMERCE

(Office of the Chief Controller of Imports & Exports.)

ORDER

New Delhi, the 10th December, 1990

S.O. 3471.—M/s. The Ellenbarries Industrial Gases Ltd., Calcutta were granted an import licence No. P/CG/2043230/C/XX/07/H/88/CG.III/M. S. dated 22-3-1988 for Rs. 76,36,096 (seventy six lakhs thirty six thousand & ninty six only), for import of 2000 Nos. of empty Gas Cylinders of 47 ltrs. water capacity & 8602 Nos. of empty Gas Cylinders of 40 Ltrs. water capacity under Free Foreign Exchange. The firm has applied for issue of Duplicate Copy of Exchange Control Copy of the above mentioned Licence on the ground that the original Exchange Control Copy of the licence has been lost or misplaced. It has further been stated that the Custom Purpose Copy of the licence has been registered with Customs Authority, Calcutta and utilised Partly.

2. In support of their contention, the licensee has filed an affidavit on stamped paper duly sworn in before a Notary Public. I am accordingly satisfied that the original Exchange Control Copy of import licence No. P/CG/2043230/C/XX/07/H/88 CG.III/M.S. dt. 22-3-88 has been lost or misplaced by the firm. In exercise of the powers conferred under sub-clause 9(cc) of the Import (Control) Order, 1955 dt. 7-12-1955 as amended the said original Exchange Control Copy No. P/CG/2043230/C/XX/07/H/88 CG.III M.S. dt. 22-3-88 issued to M/s. Ellenbarries Industrial Gases Ltd., is hereby cancelled.

A duplicate Exchange Control Copy of the said licence is being issued to the party separately.

[No. CG.III/1887/19/GAS/86-87]

S. K. BHARDWAJ, Dy. Chief Controller of Imports & Exports for Chief Controller of Imports & Exports

नई दिल्ली, 12 दिसम्बर, 1990

का. घा. 3472.—केन्द्रीय सरकार, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 को उप धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैमर् एम. जी. एस. इंडिया निमिट्रेड, फोरमर रोड, काफीलाडा-533001 को (i) तेल रहित चावल की भूसी और (ii) हड्डियों का चूरा, सींग तथा खुरों का निर्यात में पूर्ण धुस्त्रीकरण के लिए इस अधिसूचना के प्रकाशन की तारीख से तीन वर्षों की अवधि के लिए इन शर्तों के अधीन अभिकरण के रूप में मान्यता देती है कि उक्त अधिकरण तेल रहित चावल की भूसी के निर्यात (निरीक्षण) नियम, 1966 के नियम 4 के उप नियम (4) तथा हड्डियों का चूरा, सींग तथा खुरों के निर्यात (निरीक्षण) नियम, 1977 के नियम 5 के अन्तर्गत धुस्त्रीकरण का प्रमाणपत्र देने के लिए उक्त अभिकरण द्वारा अपनाई गई पद्धति की जांच करने के संबंध में निर्यात निरीक्षण परिषद द्वारा मनोनीत किसी भी अधिकारी को पर्याप्त सुविधाएं देगा।

[काइल सं. 5/9/90-ई आई एच ई पी]

ए. के. चौधुरी, निदेशक

MINISTRY OF COMMERCE

New Delhi, the 12th December, 1990

S.O. 3472.—In exercise of the powers conferred by sub-section (1) of section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963) the Central Government hereby recognises for a period of three years from the date of publication of this notification M/s. S.G.S India Ltd., Foreshore Road, Kakinada-533001 as an agency for the fumigation of (i) Deoiled Rice Bran and (ii) Crushed Bones, Horns and Hooves prior to their export subject to the condition that the said agency shall give adequate facilities to any officer nominated by the Export Inspection Council in this behalf to examine the method of fumigation followed by the said agency in granting the certificate of fumigation under sub-rule (4) of rule 4 of the Export of De-oiled Rice Bran (Inspection) Rules, 1966 and rule 5 of the Export of Crushed Bones, Horns and Hooves (Inspection) Rules, 1977.

[F. No. 5/9/90-EI & EP]

A. K. CHAUDHURI, Director

खाद्य एवं नागरिक पूर्ति मंत्रालय
(नागरिक पूर्ति विभाग)
मानक भारतीय व्यंजनों
नई दिल्ली, 8 दिसम्बर, 1990

का.प्र. 4373 :- भारतीय मानक व्यंजनों एनद्वारा अधिसूचित करना है कि नीचे अनुसूची के स्तम्भ (2) और (3) में उल्लिखित उत्पादों से संबंधित जो मूल्यांकन फीड अनुसूची के स्तम्भ (7) अथवा (8) में दर्शायी गयी है, और जिन्हें पहले भारत के राजपत्र, भाग 2, खंड 3, उपखंड (2) में अधिसूचित किया गया था, उनमें अनुसूची के स्तम्भ (4), (5) और (6) के अनुसंस्कार संशोधन किया गया है।

अनुसूची

क्र.सं., उत्पाद	भारतीय मानक की संख्या तथा वर्ष	इकाई	मूल्यांकन फीड की वर प्रति इकाइयों के लिए	भारत सरकार के राजपत्र अधिसूच्यता का संदर्भ	भारत के लागू राजपत्र होने के जारी की होने की तिथि				
				जिस आंशिक रूप से अधिकतम सं. अधिसूच्यता का किया गया था का, आ. सं. और दि. सं. तथा दि.	जिसे आंशिक रूप से संगोपित किया गया था का, आ. सं. तथा दि.				
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
1. बीएचसी डीपी	आईएस: 561-197	एक टन	5.00 पहले 3.00 शेष	1000	--	206	1983-01-01	1989-03-0	
2. बीएचसी डब्ल्यूई-पीसी	आईएस: 067-197	--वही--	20.00 पहले 15.00 शेष	1000	--	--वही--	--वही--	--वही--	
3. डीडीटी डीपी	आईएस: 064-1985	--वही--	5.00 पहले 3.00 शेष	1000	--	--वही--	--वही--	--वही--	
4. डीडीटी डब्ल्यू डीपीसी	आईएस: 565-1975	--वही--	20.00 पहले 15.00 शेष	1000	--	--वही--	--वही--	--वही--	
5. रामा बीएचसी (लिब्रेन) ईसी	आईएस: 302-197	100 लिटर	20.00 पहले 15.00 शेष	1000	--	206	1988-01-01	1989-03-01	
6. डीडीसी ईसी	आईएस: 633-1975	--वही--	20.00 पहले 15.00 शेष	1000	--	--वही--	--वही--	--वही--	
7. एल्विन ईसी	आईएस: 1307-1973	--वही--	20.00 पहले 15.00 शेष	1000	--	1015	1988-04-02	--वही--	
8. एल्विन डीपी	आईएस: 130-1974	एक टन	5.00 पहले 3.00 शेष	1000	--	206	1983-01-01	1989-03-01	
9. कॉपर अंतिम क्वो-राइड डब्ल्यूई-पीसी	आईएस: 1507-1977	एक टन 15 शेष	20.00 पहले 15.00 शेष	1000	--	206	1983-01-01	1989-03-01	
10. हृथा में छिड़के जाने वाले कृषि की लागी	आईएस: 2567-1978	100 लिटर	20.00 पहले 15.00 शेष	1000	--	--वही--	--वही--	--वही--	
11. मेलाथियान डीपी	आईएस: 2568-1978	एक टन	5.00 पहले 3.00 शेष	1000	--	--वही--	--वही--	--वही--	
12. मेलाथियान डब्ल्यूई-पीसी	आईएस: 2569-1978	--वही--	20.00 पहले 15.00 शेष	1000	--	--वही--	--वही--	--वही--	
13. क्वोरेन ईसी	आईएस: 2693-1966	100 लिटर	20.00 पहले 15.00 शेष	1000	--	--वही--	--वही--	--वही--	
14. डायजिनोन ईसी	आईएस: 2861-1980	--वही--	20.00 पहले 15.00 शेष	1000	--	--वही--	--वही--	--वही--	
15. क्वोरेन डीपी	आईएस: 2864-1973	एक टन	5.00 पहले 3.00 शेष	1000	--	--वही--	--वही--	--वही--	
16. निथाइल पैराथियान ईसी	आईएस: 2865-1978	100 लिटर	20.00 पहले 15.00 शेष	1000	--	--वही--	--वही--	--वही--	
17. ग्लोब डब्ल्यूई	आईएस: 3383-1982	एक टन	20.00 पहले 15.00 शेष	1000	--	3414	1987-12-12	1989-03-01	
18. त्रिम, डब्ल्यूई-पीसी	आईएस: 3899-1986	--वही--	20.00 पहले 15.00 शेष	1000	--	206	1983-01-01	--वही--	

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
19. जिःम, डब्ल्यूडीपी	आईएस: 3101-1975	--वही--	20.00 पहले 15.00 शेष	1000	--	206	1982-12-15	1983	1989-03-01
20. आइरिपोले ईसी	आईएस: 3903-1275	100 लिटर	20.00 पहले 15.00 शेष	1000	--	--वही--	--वही--	--वही--	--वही--
21. थायोनिटोन ईसी	आईएस: 3905-1926	--वही--	20.00 पहले 15.00 शेष	1000	--	--वही--	--वही--	--वही--	--वही--
22. एन्डोसल्फान डीपी	आईएस: 4327-1967	एक टन	5.00 पहले 3.00 शेष	1000	--	--वही--	--वही--	--वही--	--वही--
23. एन्डोसल्फान ईसी	आईएस: 4323-1980	100 लिटर	20.00 पहले 15.00 शेष	1000	--	--वही--	--वही--	--वही--	--वही--
24. थायम, डब्ल्यूडीपी	आईएस: 4766-1968	एक टन	20.00 पहले 15.00 शेष	1000	--	--वही--	--वही--	--वही--	--वही--
25. आइरिपोले ईसी	आईएस: 5277-1978	100 लिटर	20.00 पहले 15.00 शेष	1000	--	206 1982-12-15		1983-01-01	1989-03-01
26. फैक्टोथियान ईसी	आईएस: 5281-1979	--वही--	20.00 पहले 15.00 शेष	1000	--	--वही--	--वही--	--वही--	--वही--
27. लैमिसिडन सेल	आईएस: 6014-1978	--वही--	20.00 पहले 15.00 शेष	1000	--	--वही--	--वही--	--वही--	--वही--
28. फास्फोमिडान डीपी डब्ल्यूएसपी	आईएस: 6177-1981	--वही--	20.00 पहले 15.00 शेष	1000	--	--वही--	--वही--	--वही--	--वही--
29. हैप्टाक्लोर डीपी	आईएस: 6429-1981	एक टन	5.00 पहले 3.00 शेष	1000	--	--वही--	--वही--	--वही--	--वही--
30. कार्बाइन, डब्ल्यूडीपी	आईएस: 7121-1973	--वही--	20.00 पहले 15.00 शेष	1000	--	--वही--	--वही--	--वही--	--वही--
31. कार्बाराइल डीपी	आईएस: 7122-1973	--वही--	5.00 पहले 3.00 शेष	1000	--	--वही--	--वही--	--वही--	--वही--
32. टॉक्सोफीन डीपी	आईएस: 7947-1976	--वही--	5.00 पहले 3.00 शेष	1000	--	--वही--	--वही--	--वही--	--वही--
33. विक्नालफॉस ईसी	आईएस: 8028-1987	100 लिटर	20.00 पहले 15.00 शेष	1000	--	206 1982-12-15		1983-01-01	1989-03-01
34. मॉनोमोटॉफॉस एलएल	आईएस: 8074-1983	--वही--	20.00 पहले 15.00 शेष	1000	--	--वही--	--वही--	--वही--	--वही--
35. फॉस्फीरोमोटान डब्ल्यूएसपी	आईएस: 8259-1976	--वही--	20.00 पहले 15.00 शेष	1000	--	--वही--	--वही--	--वही--	--वही--
36. फॉस्फीन ईसी ...	आईएस: 8291-1976	--वही--	20.00 पहले 15.00 शेष	1000	--	--वही--	--वही--	--वही--	--वही--
37. कार्बेन्डाजिम (एबवी- सी) डब्ल्यूडीपी	आईएस: 8446-1977	एक टन	20.00 पहले 15.00 शेष	1000	--	--वही--	--वही--	--वही--	--वही--
38. फालोन ईसी	आईएस: 8487-1977	100 लिटर	20.00 पहले 15.00 शेष	1000	--	--वही--	--वही--	--वही--	--वही--
39. फॉसफोन डीपी	आईएस: 8489-1977	एक टन	5.00 पहले 3.00 शेष	1000	--	--वही--	--वही--	--वही--	--वही--
40. पेराक्लिनडाइक्लेराइड डब्ल्यूएसपी	आईएस: 8498-1982	100 लिटर	20.00 पहले 15.00 शेष	1000	--	--वही--	--वही--	--वही--	--वही--
41. ऐसीफॉस ईसी	आईएस: 88498-1978	100 लिटर	20.00 पहले 15.00 शेष	1000	--	184 1987-10-26		1987-11-14	1989-03-01
42. मेनोजेब डब्ल्यूडीपी	आईएस: 8708-1978	एक टन	20.00 पहले 15.00 शेष	1000	--	4129 1983-10-20		1983-11-12	--वही--

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
43.	क्लोराइडरिफॉस ईसी	आईएस: 8944-1978	100 लिटर	20.00 पहले 15.00 शेष	1000	—	206 1982-12-15	1983-01-01	1989-03-01
44.	क्लूक्लोरेलिन ईसी	आईएस: 8959-1978	—वही—	20.00 पहले 15.00 शेष	1000	—	—वही—	—वही—	—वही—
45.	मिथाइल पेटाथियान	आईएस: 8960-1978	एक टन	5.00 पहले 3.00 शेष	1000	—	1015 1988-01-20	1988-04-02	—वही—
46.	बूटाक्लोर ईसी	आईएस: 9356-1980	100 लिटर	20.00 पहले 15.00 शेष	1000	—	206 1982-12-15	1983-01-01	—वही—
47.	2, 4, डी इथाइल एस्टर ईसी	आईएस: 10243-1982	100 लिटर	20.00 पहले 15.00 शेष	1000	—	1018 1988-02-11	1988-04-02	—वही—
48.	इथियान ईसी	आईएस: 10319-1982	100 लिटर	20.00 पहले 15.00 शेष	1000	—	1016 1988-02-11	1988-04-02	वही
49.	फेथोफ्ट डीपी	आईएस: 10950-1984	एक टन	5.00 पहले 3.00 शेष	1000	1000	902 1989-10-24	1989-11-18	वही

[सं. के. प्र. वि. 13 : 10]

MINISTRY OF FOOD AND CIVIL SUPPLIES

(Department of Civil Supplies)

BUREAU OF INDIAN STANDARDS

New Delhi, the 3rd December, 1990

S.O. ...The Bureau of Indian Standards, hereby notifies that the marking fees as notified earlier in Part-II, Section-3, Sub-section (ii) of the Gazette of India, shown in Col. 7 or 8 of the Schedule given hereunder, in respect of the various products shown under Col 2 and 9 of the same Schedule have been revised as mentioned in Col. 4, 5 and 6 thereof.

SCHEDULE

Sl. No.	Product	IS : No. & Year	Unit	Marking Per Unit Rs. P.	Fec Rate For Unit	Reference of Govt. of India, Gazette Notifi- cation Partially Super- seded Modified S.O. No. and Date		Date of Issue of Gazete of India	Date of Effect
1	2	3	4	5	6	7	8	9	10
1.	BHC DP	IS : 561—1978	One Tonne	5.00 3.00	First 1000 Remaining	—	206 1982-12-15	1983-01-01	1989-03-01
2.	BHC WDPC	IS : 562—1978	-do-	20.00 15.00	First 1000 Remaining	—	-do-	-do-	-do-
3.	DDT DP	IS : 564—1984	-do-	5.00 3.00	First 1000 Remaining	—	-do-	-do-	-do-
4.	DDT WDPC	IS : 565—1975	-do-	20.00 15.00	First 1000 Remaining	—	-do-	-do-	-do-
5.	Gamma BHC (Lindane) EC	IS : 632—1978	100 Litres	20.00 15.00	First 1000 Remaining	—	206 1982-12-15	1983-01-01	1989-03-01
6.	DDT EC	IS : 633—1975	-do-	20.00 15.00	First 1000 Remaining	—	-do-	-do-	-do-
7.	Aldrin EC	IS : 1307—1973	-do-	20.00 15.00	First 1000 Remaining	—	1015 1988-01-20	1988-04-02	-do-
8.	Aldrin DP	IS : 1308—1974	One Tonne	5.00 3.00	First 1000 Remaining	—	206 1982-12-15	1983-01-01	1989-03-01
9.	Copper Oxy chloride, WDPC	IS : 1507—1977	-do-	20.00 15.00	First 1000 Remaining	—	-do-	-do-	-do-
10.	Insecticidal space spray	IS : 2567—1978	100 Litres	20.00 15.00	First 1000 Remaining	—	-do-	-do-	-do-
11.	Malathion DP	IS : 2568—1978	One Tonne	5.00 3.00	First 1000 Remaining	—	-do-	-do-	-do-

1	2	3	4	5	6	7	8	9	10
12.	Malathion WDP	IS : 2569—1978	-do-	20.00 15.00	First 1000 Remaining	—	-do-	-do-	-do-
13.	Chlordane EC	IS : 2682—1966	100 Litres	20.00 15.00	First 1000 Remaining	—	206 1982-12-15	1983-01-01	1989-03-01
14.	Diagonon EC	IS : 2861—1980	-do-	Rs. 20.00 15.00	First 1000 Remaining	—	-do-	-do-	-do-
15.	Chlordane DP	IS : 2864—1973	One Tonne	5.00 3.00	First 1000 Remaining	—	-do-	-do-	-do-
16.	Methyl parathion EC	IS : 2855—1978	100 litres	20.00 15.00	First 1000 Remaining	—	-do-	-do-	-do-
17.	Sulphur WP	IS : 3383—1982	One Tonne	20.00 15.00	First 1000 Remaining	—	3414 1987-11-18	1987-12-12	1989-03-01
18.	Zinc WDP	IS : 3899—1966	-do-	20.00 15.00	First 1000 Remaining	—	206 1982-12-15	1983-01-01	-do-
19.	Zinc WDP	IS : 3901—1975	-do-	20.00 15.00	First 1000 Remaining	—	-do-	-do-	-do-
20.	Dimethoate EC	IS : 3903—1975	100 litres	20.00 15.00	First 1000 Remaining	—	-do-	-do-	-do-
21.	Thioneton EC	IS : 3905—1966	-do-	20.00 15.00	First 1000 Remaining	—	-do-	-do-	-do-
22.	Endosulfan DP	IS : 4322—1967	One Tonne	5.00 3.00	First 1000 Remaining	—	206 1982-12-15	1983-01-01	1989-03-01
23.	Endosulfan EC	IS : 4323—1980	100 litres	20.00 15.00	First 1000 Remaining	—	-do-	-do-	-do-
24.	Thiram WDP	IS : 4766—1968	One Tonne	20.00 15.00	First 1000 Remaining	—	-do-	-do-	-do-
25.	Dichloros EC	IS : 5277—1978	100 litres	20.00 15.00	First 1000 Remaining	—	-do-	-do-	-do-
26.	Fenitrothion EC	IS : 5281—1979	-do-	20.00 15.00	First 1000 Remaining	—	-do-	-do-	-do-
27.	Lamical Oil	IS : 6014—1978	-do-	20.00 15.00	First 1000 Remaining	—	-do-	-do-	-do-
28.	Phosphamidon WSC	IS : 6177—1981	-do-	20.00 15.00	First 1000 Remaining	—	-do-	-do-	-do-
29.	Heptachlor DP	IS : 6429—1981	One Tonne	5.00 3.00	First 1000 Remaining	—	-do-	-do-	-do-
30.	Carbaryl WDP	IS : 7121—1973	-do-	20.00 15.00	First 1000 Remaining	—	-do-	-do-	-do-
31.	Carbaryl DP	IS : 7122—1972	One Tonne	5.00 3.00	First 1000 Remaining	—	206 1982-12-15	1983-01-01	1983-03-01
32.	Isoxaphene DP	IS : 7947—1976	-do-	5.00 3.00	First 1000 Remaining	—	-do-	-do-	-do-
33.	Quinalphos EC	IS : 8028—1987	100 Litres	20.00 15.00	First 1000 Remaining	—	-do-	-do-	-do-
34.	Monocrotophos SL	IS : 8074—1983	-do-	20.00 15.00	First 1000 Remaining	—	-do-	-do-	-do-
35.	Oxydemeton Ethyl EC	IS : 8259—1976	-do-	20.00 15.00	First 1000 Remaining	—	-do-	-do-	-do-
36.	Phenthoate EC	IS : 8291—1976	-do-	20.00 15.00	First 1000 Remaining	—	-do-	-do-	-do-
37.	Carbendazim (MBC) WDP	IS : 8446—1977	one Tonne	20.00 15.00	First 1000 Remaining	—	-do-	-do-	-do-
38.	Phosalone EC	IS : 8487—1977	100 Litres	20.00 15.00	First 1000 Remaining	—	-do-	-do-	-do-
39.	Phosalone DP	IS : 8489—1977	One Tonne	5.00 3.00	First 1000 Remaining	—	206 1982-12-15	1983-01-01	1989-03-01
40.	Paraquat dichloride WSC	IS : 8497—1982	100 litres	20.00 15.00	First 1000 Remaining	—	-do-	-do-	-do-
41.	Temephos EC	IS : 8498—1978	-do-	20.00 15.00	First 1000 Remaining	3184 1987-10-26	—	1987-11-14	-do-
42.	Mancozeb WDP	IS : 8708—1978	One Tonne	20.00 15.00	First 1000 Remaining	4129 183-10-20	—	1983-11-12	-do-

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
43.	Chlorpyrifos EC	IS:8944-1978	100 litres	20.00 15.00	First 1000 Remaining.	--	206 1982-12-15	1983-01-01	-do-
44.	Fluchloralin EC	IS:8959-1978	-do-	20.00 15.00	First 1000 Remaining	---	-do-	-do-	-do-
45.	Methyl para-thion	IS:8960-1978	One Tonne	5.00 3.00	First 1000 Remaining	---	1015 1988-01-20	1988-04-02	-do-
46.	Butachlor EC	IS:9356-1980	100 litres	20.00 15.00	First 1000 Remaining	---	206 1982-12-15	1983-01-01	-do-
47.	2,4 D Ethyl Ester EC	IS:10243-1982	100 litres	20.00 15.00	First 1000 Remaining	---	1018 1988-02-11	1988-04-02	1989-03-01
48.	Ethion EC	IS:10319-1982	-do-	20.00 15.00	First 1000 Remaining	--	1016 1988-02-11	1988-04-02	1989-03-01
49.	Phenthoate DP	IS:10950-1984	One Tonne	5.00 3.00	First 1000 Remaining	2902 1989-10-24	---	1989-11-18	1989-03-01

[N. CMD/13 : 10]

नई दिल्ली, 5 दिसम्बर, 1990

का.आ. 3474 :- भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के विनियम 5 के उपविनियम (6) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिस/जिन लाइसेंस (मों) का/के विवरण नीचे दिया गया है/दिए गए हैं, वह/वे उमके/उनके सामने दी गई तिथि से रद्द कर दिया गया है/दिए गए हैं ।

अनुसूची

क्रम सं. लाइसेंस संख्या तथा दिनांक	लाइसेंसधारी का नाम व पता	रद्द लाइसेंस के अन्तर्गत वस्तु/प्रक्रम तथा सम्बद्ध भारतीय मानक	रद्द किए जाने की तारीख
(1)	(2)	(3)	(4)
1. सीएम/एल-1433339	मै. लिली कैमिकल्स, अम्बाला शहर	आईएस : 9825-1981 क्लोरीन की गोलीयों की विशिष्टि	1985-07-16
2. सीएम/एल-1884574	मै. सुपर फाइन पेंट्स कारपोरेशन, दिल्ली	आईएस : 5480-1983 मोटर वाहनों की पालिश, लेपी, की विशिष्टि	1988-10-01

[स. के. प्र. वि./55:1433339, 1884574]

एस. सुब्रह्मण्यन, अपर महानिदेशक

New Delhi, the 5th December, 1990

S.O.3474 :- In pursuance of sub-regulation (6) of regulation 5 of the Bureau of Indian Standards (Certification) Regulation 1988 the Bureau of Indian Standards hereby notifies that the licence(s) particular of which are given below have been Cancelled with effect from the date indicated:

SCHEDULE

Licence No. (CM/L-—)	Name and Address of the licensee	Article/Process with relevant Indian Standard covered by the licence cancelled	Date of cancellation
(1)	(2)	(3)	(4)
1. CM/L-1433339	M/s Lily Chemicals, Ambala City	IS:9825 1981 Specification for Chlorine Tablets,	1985-07-16
2. CM/L-1884574	M/s. Superfine Paints Corporation, Delhi.	IS:5480-1985 Specification for automobile polish, paste.	1988-10-01

[No. CMD/55 : 1433339, 1884574]
S. SUBRAMANYAN, Addl. Dir. General

संचार मंत्रालय
(दूरसंचार विभाग)

नई दिल्ली, 13 दिसम्बर, 1990

का.आ. 3475.—वन: औरंगाबाद टेलीफोन प्रणाली के स्थानीय क्षेत्र में संशोधन करने के संबंध में एक सार्वजनिक सूचना उस सभ की जानकारी के लिए जिन पर इस परिवर्तन का प्रभाव पड़ने की संभावना है, जैसा कि भारतीय तार नियमावली, 1951 के नियम 434 (iii) (2ग) में अश्लेषित है, औरंगाबाद में परिवर्तनार्थ समाचार पत्रों में निकाली गयी थी और उनसे कहा गया था कि इस क्षेत्र में यदि उन्हें कोई आपत्ति हो या उनके कोई सुझाव हों तो वे इस सूचना के प्रकाशित होने की तारीख से 30 दिनों के भीतर उन्हें भेजने का कष्ट करें।

और, यतः, उक्त सूचना सर्वसाधारण की जानकारी के लिए 20-5-90 के दैनिक "लोकमत टाइम्स" (अंग्रेजी) और दैनिक "लोकमत" (मराठी) में 30-5-90 के दैनिक अजिन्ठा 31-5-90 के दैनिक "लोक विजय" और 26-9-90 के दैनिक "औरंगाबाद टाइम्स" और दैनिक "मराठवाड़ा समाचार" पत्रों में प्रकाशित की गई थी।

और, यतः, उक्त सूचना के उत्तर में जनसाधारण से कोई सुझाव और आपत्तियाँ प्राप्त नहीं हुई हैं;

इसलिए, अब, उक्त नियमावली के नियम 434 (iii) (2ग) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, महानिदेशक दूरसंचार एतद्वारा यह घोषित करते हैं कि 1-1-1991 से औरंगाबाद टेलीफोन प्रणाली का स्थानीय संशोधित क्षेत्र इस प्रकार होगा :—

औरंगाबाद टेलीफोन प्रणाली :

औरंगाबाद टेलीफोन प्रणाली का स्थानीय क्षेत्र वही होगा जो कि औरंगाबाद नगर पालिका के क्षेत्राधिकार और औरंगाबाद छावनी बोर्ड के अन्तर्गत पड़ता है।

किन्तु वे टेलीफोन उपभोक्ता जो कि औरंगाबाद नगर पालिका सीमा और औरंगाबाद छावनी बोर्ड के बाहर स्थित हैं किन्तु जिन्हें औरंगाबाद टेलीफोन प्रणाली में सेवा प्रदान होती है, वे इस प्रणाली के किसी भी एक्सचेंज से जब तक 5 कि.मी. दूरी के भीतर स्थित रहेंगे और इस प्रणाली से जुड़े रहेंगे तब तक स्थानीय शुल्क दर से भुगतान करते रहेंगे।

[मं. 3-7/84-पी एच बी]

प्रदीप कुमार, निदेशक फोन्स (ई)

MINISTRY OF COMMUNICATIONS

(Department of Telecommunications)

New Delhi, the 13th December, 1990

S.O. 3475.—Whereas a public notice for revising the local area of Aurangabad Telephone System was published as required by rule 434(III)(2C) of the Indian Telegraph Rules, 1951 in the Newspapers in circulation at Aurangabad, inviting objections and suggestions from all persons likely to be affected thereby, within a period of 30 days from the date of publication of the notice in the Newspapers;

And, whereas, the said notice was made available to the public on 20-5-90 in Daily Lokmat Times (English) and Daily Lokmat (Marathi), on 30-5-90 in Daily Ajintha, on 31-5-90 in Daily Lokvijay and on 26-9-90 in Daily Aurangabad Times and Daily Marathwada Newspapers;

And, whereas, no objections and suggestions have been received from the public on the said notice;

Now, therefore, in exercise of the power conferred by rule 434(III)(2C) of the said Rules, the Director General, Telecommunications hereby declares that with effect from 1-1-1991 the revised local area of Aurangabad Telephone System shall be as under;

Aurangabad Telephone System :

The local area of Aurangabad shall cover an area falling under the jurisdiction of Aurangabad Municipal Corporation and Aurangabad Cantonment Board;

Provided that the telephone subscribers located outside the Aurangabad Municipal Corporation and Aurangabad Cantonment Board limits but who are served from Aurangabad Telephone System shall continue to pay local tariffs as long as they are located within 5kms of any exchange of this system and remain connected to it.

[No. 3-7/84-PHB]

PRADEEP KUMAR, Director (Phone-F)

ऊर्जा मंत्रालय

(कोयला विभाग)

नई दिल्ली, 11 दिसम्बर, 1990

का.आ. 3476.—केन्द्रीय सरकार ने कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे हमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 4 की उपधारा (1) के अर्जित जारी की गई और धारक के राजस्व, भाग 2, खंड 3, उपखंड (ii), तारीख 9 जन, 1990 में प्रकाशित भारत सरकार के ऊर्जा मंत्रालय (कोयला विभाग) की अधिसूचना का.आ.मं. 1598 तारीख 11 मई, 1990 द्वारा उस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट परिशेष की भूमि में जिसका साफ 828.459 हेक्टर (लगभग) या 2017 122 एकड़ (लगभग) है, कोयले का पूर्वांश करने के अपने आशय की सूचना दी थी ;

और केन्द्रीय सरकार का यह समाधान हो गया है कि उक्त भूमि के भाग में कोयला अधिप्राप्त है।

अतः, अतः, केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 का उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए :

(क) इसमें संलग्न अनुसूची, "क" में वर्णित 1,813 हेक्टर (लगभग) या 4.48 एकड़ (लगभग) साफ की भूमि :

(ख) इसमें संलग्न अनुसूची, "ख" में वर्णित 385.647 हेक्टर (लगभग) या 705.85 एकड़ (लगभग) साफ की भूमि में खनिज निष्कासन के लिए खनन, खदान, बोर करने, उनको खोद करके और तयान करने और उन्हें ले जाने के अधिकारों का अर्जन करने के अपने आशय की सूचना देती है।

टिप्पण 1 : इस अधिसूचना के अन्तर्गत आने वाले क्षेत्र के रेखाचित्र में, सं-1 (ई) III जी आर/465-0690 तारीख 22 जून, 1990 का निरीक्षण कलकट्टा छिद्राङ्क (मध्य प्रदेश) के कार्यालय में या कोयला नियंत्रक, 1-कांअदिल हाउस स्ट्रीट, बलरघा के कार्यालय में या सेक्रेटरी कोलफोल्ड्स लि. (राजस्थान विभाग) कोयला इन्स्टीट्यूट, निविदा लाइसेंस नम्बर-1 (महाराष्ट्र) के कार्यालय में किया जा सकता है।

टिप्पण 2 : कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 8 के उपबंधों की आगे ध्यान आकृष्ट किया जाता है जिधमें निम्नलिखित उपबंध हैं।

अर्जन के प्रति आक्षेप—

8. (1) कोई व्यक्ति जो किसी भूमि में जिसको धारा 7 के अधीन अधिसूचना निकाली गई है, हितबद्ध है, अधिसूचना के निहाले जाने के तीस दिन के भीतर सम्पूर्ण भूमि या उसके किसी भाग या ऐसी भूमि में या उस पर के किसी अधिकारों का अर्जन किए जाने के बारे में आपत्ति कर सकेगा।

स्पष्टीकरण :- इस धारा के अर्थात्तगत यह आपत्ति नहीं मानी जाएगी कि कोई व्यक्ति किसी भूमि में कोयला उत्पादन के लिए स्वयं खनन सक्रिय करना चाहता है और ऐसी संक्रियाएं केन्द्रीय सरकार या किसी अन्य व्यक्ति को नहीं करनी चाहिए।

(2) उपधारा (1) के अधीन प्रत्येक आपत्ति सक्षम प्राधिकारी को लिखित रूप में की जाएगी और सक्षम प्राधिकारी आपत्तिकर्ता को स्वयं सुने जाने का या विधि व्यवसायी द्वारा सुनवाई का अवसर देगा और ऐसी सभी आपत्तियों को सुनने के पश्चात् और ऐसी प्रतिरिक्त जांच, यदि कोई हो, करने के पश्चात् जो वह आवश्यक समझता है वह या तो धारा 7 की उपधारा (1) के अधीन अधिसूचित भूमि के या ऐसी भूमि में या उस पर के अधिकारों के संबंध में एक रिपोर्ट या ऐसी भूमि के विभिन्न टुकड़ों या ऐसी भूमि में या उस पर के अधिकारों के संबंध में आपत्तियों पर अपनी विचारिशों और उसके द्वारा की गई कार्यवाही के विभिन्न सहित विभिन्न रिपोर्ट केन्द्रीय सरकार को उसके विनिश्चय के लिए देगा।

(3) इस धारा के प्रयोजन के लिए वह व्यक्ति किसी भूमि में हितबद्ध समझा जाएगा जो प्रतिकार में हित का दावा करने का हकदार होता यदि भूमि या किसी ऐसी भूमि में या उस पर के अधिकार इस अधिनियम के अधीन अर्जित कर लिए जाते हैं।

टिप्पण 3 : केन्द्रीय सरकार ने कोयला निर्यातक, 1, काउंसिल हाउस स्ट्रीट, कलकत्ता को उक्त अधिनियम के अधीन सक्षम प्राधिकारी नियुक्त किया है।

अनुसूची "क"

राजनकोट ब्लॉक

पैच क्षेत्र

जिला छिन्वाड़ा (मध्य प्रदेश)

सभी अधिकार

क्र. सं.	ग्राम का नाम	पटवारी सक्षम सं.	बंदोबस्त संख्या	तहसील	जिला	क्षेत्र हेक्टरों में	टिप्पणियां
1.	घोरी दामोदर	51	281	परासिया	छिन्वाड़ा	1.481	भाग
2.	गजनकोट	50	124	परासिया	छिन्वाड़ा	0.332	भाग
					कुल क्षेत्र : 1.813 हेक्टर (लगभग)		
					या : 4.48 एकड़ (लगभग)		

ग्राम घोरी दामोदर में अर्जित किए जाने वाले प्लॉट संख्यांक :

223 (भाग), 228 (भाग), 228/1-228/2 (भाग), 229 (भाग), 232 (भाग), 232 (भाग), 234 (भाग), 235 (भाग), 239 (भाग), 240/1 (भाग), 240/2 (भाग), 240/3 (भाग), 241 (भाग)।

ग्राम गजनकोट में अर्जित किए जाने वाले प्लॉट संख्यांक :

130/1 (भाग), 130/2 (भाग), 130/3 (भाग), 132 (भाग)।

सीमा वर्णन :

- छ 1-छ 2 रेखा बिन्दु "छ 1" से प्रारंभ होती है और ग्राम गजनकोट में प्लॉट संख्यांक 132, 130/3, 130/2, 130/1 से होकर गुजरती है और बिन्दु "छ 2" पर मिलती है।
- छ 2-छ 3 रेखा ग्राम घोरी दामोदर में प्लॉट संख्यांक 240/2, 240/2, 240/1, 239, 235, 223, 229, 226 से होकर गुजरती है और बिन्दु "छ 5" पर मिलती है।
- छ 4-छ 5 रेखा प्लॉट संख्यांक 224 और 226 की सामान्य सीमा के साथ साथ ग्राम घोरी दामोदर से गुजरती है "छ 6" पर मिलती है।
- छ 6-छ 7- रेखा ग्राम घोरी दामोदर में प्लॉट संख्यांक 223, 228/2, 232, 223, 234, से होकर गुजरती है और फिर प्लॉट संख्यांक 235, 239, 240/1, 240/2, 240/3 की बाह्य सीमा के साथ साथ चलकर बिन्दु "छ 9" पर मिलती है।
- छ 8-छ 9
- छ 9-10 छ रेखा घोरी दामोदर और गजनकोट ग्रामों की सामान्य सीमा के साथ साथ चलती है और बिन्दु "छ 10" पर मिलती है।
- छ 10-छ 11-छ 1 : रेखा ग्राम गजनकोट में प्लॉट संख्यांक 130/1, 130/2, 130/3, 132 से होकर गुजरती है और बिन्दु "छ 1" पर मिलती है।

घण्टासूची "क"
गजन डीह ब्लॉक
पंच क्षेत्र
जिला छिन्वाड़ा (मध्य प्रदेश)

खतम अधिकार

कम.सं. ग्राम का नाम	पटवारी सर्किल संख्या	बन्दोबस्त संख्या	तहसील	जिला	क्षेत्र हेक्टरों में	टिप्पणियां
1. धोरी दामोदर	51	201	परसिया	छिन्वाड़ा	159.090	भाग
2. गजनडीह	50	124	परसिया	छिन्वाड़ा	126.557	भाग

कुल क्षेत्र 285.647 हेक्टर (लगभग)
या 705.85 एकड़ (लगभग)

ग्राम धोरी दामोदर में प्रतिष्ठित किए जाने वाले प्लॉट संख्याक :

15 (भाग), 28 (भाग), 39/1-2 (भाग), 39/3, 39/4 (भाग), 39/5 (भाग), 55 (भाग), 57/2, 57/3 (भाग), 74 (भाग), 75/2 (भाग), 75/3 (भाग), 76 से 80, 81 (भाग), 82 से 88, 89 (भाग), 104 (भाग), 106 (भाग), 107 (भाग), 108 से 120, 121/1, 121/2-3, 122/1, 122/2-3, 123 (भाग), 124, 125 (भाग), 126, 127/1, (भाग) 127/2 (भाग), 127/3 (भाग), 132/2 (भाग), 133/1 (भाग), 133/2, 133/3, 134, 135 (भाग), 136 (भाग), 138/2 (भाग), 139/1-2 (भाग), 152 (भाग), 195 (भाग), 199 (भाग), 200 (भाग), 201/1, 201/2, 202 से 213, 214 (भाग), 215, 218 (भाग), 219 से 221, 222/1, 222/2, 222/3, 222/4, 223 (भाग), 224, 225, 226 (भाग), 227, 228/1-228/2 (भाग), 229 (भाग), 230, 231, 232 (भाग), 233 (भाग), 234 (भाग), 235 (भाग), 236 से 238, 239 (भाग), 240/1 (भाग), 240/2 (भाग), 240/3 (भाग), 241 (भाग), 242/1, 242/2, 242/3, 243/1, 243/2, 243/3, 244 (भाग)

ग्राम गजनडीह में प्रतिष्ठित किए जाने वाले प्लॉट संख्याक

1/1 (भाग), 1/3 (भाग), 1/4 (भाग), 1/5 (भाग), 1/7 (भाग), 1/8, 1/9, 1/11, 1/12, 1/14 (भाग), 1/15 (भाग), 1/16 (भाग), 1/27 (भाग), 1/28 (भाग), 1/29, 1/30 (भाग), 1/31 (भाग), 1/32 (भाग), 1/38, 5 से 12, 13 (भाग), 14/1, 14/2, 14/3, 14/4, 14/5, 14/6, 14/7, 14/8, 14/9, 14/10, 14/11, 14/12, 15 से 21, 22/1, 22/2, 23, 24/1 (भाग), 24/2, 24/3 (भाग), 25, 26, 27 (भाग), 28/3 (भाग), 28/4 (भाग), 28/5 (भाग), 34/1 (भाग), 34/2, 35/1 (भाग), 35/2, 35/3 (भाग), 35/4 (भाग), 36, 37, 38 (भाग), 39/1, 39/2 (भाग), 40/1, 40/2 (भाग), 46/1, 46/2, 47 (भाग), 50 (भाग), 51 (भाग), 52, 53 (भाग), 56, (भाग), 120 (भाग), 121 (भाग), 122 (भाग), 124 (भाग), 125 (भाग), 126, 127/1, 127/2, 127/3, 128/1, 128/2, 129/1, 129/2, 130/1 (भाग), 130/2 (भाग), 130 (भाग), 131/1 (भाग), 131/2 (भाग), 131/3 (भाग), 132 (भाग), 133 (भाग), 134 (भाग).

सीमा वर्णन

क-ख-ग

रेखा ग्राम धोरी दामोदर में बिन्दु "क" से प्रारंभ होती है और प्लॉट संख्याक 139/2, 138/3, 136, 135, 81, 15, 26, 123, 104, 39/1, 106, 107, 39/5, 39/4, 39/2, 55, 57/3, 89, 74, 75/3, 75/2 से होकर गुजरती है और बिन्दु "ग" पर मिलती है।

ग-घ

रेखा ग्राम गजनडीह में प्लॉट संख्याक 1/4, 1/7, 1/5, 1/15, 1/3, 1/16, 1/14, 1/1, 1/27, 38, 39/1, 39/2, 40/2, 1/1, 1/28, 1/30, 1/32 से होकर गुजरती है और बिन्दु "घ" पर मिलती है।

घ-ङ

रेखा ग्राम गजनडीह में प्लॉट संख्याक 1/32, 1/31, 1/1, 47 से होकर गुजरती है और बिन्दु "ङ" पर मिलती है।

ङ-च-छ

रेखा ग्राम गजनडीह में प्लॉट संख्याक 47, 1/1, 50, 51, 53/3, 56, 35/4, 35/2, 35/3, 35/1, 34/1, 120, 24/3, 24/1, 120, 28/5, 28/4, 28/3, 27, 121, 122, 124, 125, 134, 131, 13, 132 से होकर गुजरती है और बिन्दु "छ 1" पर मिलती है।

छ 1-छ 2

रेखा बिन्दु "छ 1" से प्रारंभ होती है और ग्राम गजनडीह में प्लॉट संख्याक 132, 130/3, 13/2, 130/1 से होकर गुजरती है और बिन्दु "छ 2" पर मिलती है।

छ 2-छ 3-छ 4-छ 5

रेखा ग्राम धोरी दामोदर में प्लॉट संख्याक 240/3, 240/2, 240/1, 239, 235, 223, 229, 226 से होकर गुजरती है और बिन्दु "छ 5" पर मिलती है।

छ 5-छ 6

रेखा प्लॉट संख्याक 224 और 226 की सामान्य सीमा के साथ साथ ग्राम धोरी दामोदर से होकर गुजरती है और बिन्दु "छ 6" पर मिलती है।

छ 6-छ 7-छ 8-छ 9

रेखा ग्राम धोरी दामोदर में प्लॉट संख्याक 223, 228/2, 232, 233, 234 से होकर गुजरती है और फिर प्लॉट संख्याक 235, 239, 240/1, 240/2, 240/3 की बाह्य सीमा के साथ साथ चलकर बिन्दु "छ 9" पर मिलती है।

छ 9-छ 10

रेखा धोरी दामोदर और गजनडीह ग्रामों की सामान्य सीमा के साथ साथ चलती है और बिन्दु "छ 10" पर मिलती है।

छ 10 - छ 11	रेखा ग्राम गजनबोह में प्लाट संख्यांक 130/1, 130/2, 130/3 से होकर गुजरती है और बिन्दु "छ 11" पर मिलती है।
छ 11- ज	रेखा ग्राम गजनबोह में प्लाट संख्यांक 130/3, 131/3, 131/2, 131/1 से होकर गुजरती है और बिन्दु "ज" पर मिलती है।
ज - झ - झ	रेखा छोरी दामोवर और नांगलवाड़ी ग्रामों की सामान्य सीमा के साथ-साथ ग्राम छोरी दामोवर से होकर गुजरती है और बिन्दु "झ" पर मिलती है।
झ - ञ	रेखा छोरी दामोवर में प्लाट संख्यांक 244, 218, 214, 215, 200, 195, 199, 152, 127/3, 127/2, 127/1, 125, 133/1, 132/2 से होकर गुजरती है और आरंभिक बिन्दु "क" पर मिलती है।

[सं. 43015/5/89-एल. एल. डब्ल्यू]

बी.बी. राय, प्रवर सचिव

MINISTRY OF ENERGY

(Department of Coal)

New Delhi, the 11th December, 1990

S.O. 3476.—Whereas by the notification of the Government of India in the Ministry of Energy, Department of Coal No. S.O. 1598 dated 14th May, 1990 issued under sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act) and published in part II, section 3, sub-section (ii) of the Gazette of India, dated the 9th June, 1990, the Central Government gave notice of its intention to prospect for coal in lands measuring 828.459 hectares (approximately) or 2047.122 acres (approximately) in the locality specified in the Schedule annexed to that notification;

And whereas the Central Government is satisfied that coal is obtainable in a part of the said lands;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 7 of the said Act, the Central Government hereby gives notice of its intention to acquire;

- the lands measuring 1.813 hectares (approximately) or 4.48 acres (approximately) described in Schedule 'A' appended hereto; and
- the rights to mine, quarry, bore, dig and search for, win, work and carry away minerals in the lands measuring 285.647 hectares (approximately) or 705.85 acres (approximately) described in Schedule 'B' appended hereto;

Note 1—The plan bearing No. C-1(E)III/GR/465-0690 dated 2nd June, 1990 of the area covered by this notification may be inspected in the Office of the Collector, Chhindwara (Madhya Pradesh) or in the Office of the Coal Controller, 1, Council House Street, Calcutta or in the Office of the Western Coalfields Limited (Revenue Department), Coal Estate, Civil Lines, Nagpur-I (Maharashtra).

Note 2—Attention is hereby invited to the provisions of section 8 of the aforesaid Act which provides as follows:

Objection to Acquisition—

8(1) Any person interested in any land in respect of which a notification under section 7 has been issued may, within thirty days of the issue of the notification, object to the acquisition of the whole or any part of the land or of any rights in or over such land.

Explanation—It shall not be an objection within the meaning of this section for any person to say that he himself desires to undertake mining operations in the land for the production of coal and that such operations should not be undertaken by the Central Government or by any other person:

(2) Every objection under sub-section (1) shall be made to the competent authority in writing and the competent authority shall give the objector an opportunity of being heard either in person or by a legal practitioner and shall, after hearing all such objections and after making such further enquiry, if any, as he thinks necessary, either make a report in respect of the land which has been notified under sub-section (1) of section 7 or of rights in or over such land or make different reports in respect of different parcels of such land or of rights in or over such land to the Central Government, containing his recommendations on the objections together with the record of the proceedings held by him for the decision of that Government.

(3) For the purpose of this section, a person shall be deemed to be interested in land who would be entitled to claim an interest in compensation if the land or any rights in or over such land were acquired under this Act."

Note 3—The Coal Controller, 1, Council House Street, Calcutta, has been appointed by the Central Government as the competent authority under the Act.

SCHEDULE 'A'
GAJANDOH BLOCK
PENCH AREA

DISTRICT CHHINDWARA (MADHYA PRADESH)

All Rights

Sl. No.	Name of village	Patwari circle number	Settlement number	Tahsil	District	Area in hectares	Remarks
1.	Thari-Dumodar	51	261	Parasia	Chhindwara	1.481	Part
2.	Gajandoh	50	124	Parasia	Chhindwara	0.332	Part
Total area:						1.813 hectares (approximately) or 4.48 acres (approximately)	

Plot numbers to be acquired in village Thaori Damodar:

225 (Part), 226 (Part), 228/1-228/2 (Part), 229 (Part), 232 (Part), 233 (Part), 234 (Part), 235 (Part), 239 (Part), 240/1 (Part), 240/2 (Part), 240/3 (Part), 241 (Part).

Plot numbers to be acquired in village Gajandoh:

130/1 (Part), 130/2 (Part), 130/3 (Part), 132 (Part).

Boundary description:

G1—G2 : Line starts from point G1 and passes through village Gajandoh in plot numbers, 132, 130/3, 130/2, 130/1 and meets at point 'G2'.

G3—G3—G4—G5 : Line passes through village Thaori Damodar in plot numbers 240/3, 240/2, 240/1, 239, 235, 223, 229, 226 and meets at point 'G5'.

G5—G6 : Line passes through village Thaori Damodar along the common boundary of plot numbers 224 and 226 and meets at point 'G6'.

G6—G7—G8—G9 : Line passes through village Thaori Damodar in plot numbers 223, 228/2, 232, 233, 234 and then along the outer boundary of plot numbers 235, 239, 240/1, 240/2, 240/3 and meets at point 'G9'.

G9—G10 : Line passes along the common boundary of villages Thaori-Damodar and Gajandoh and meets at point 'G10'.

G10—G11—G1 : Line passes through village Gajandoh in plot numbers 130/1, 130/2, 130/3, 132 and meets at starting point 'G10'.

SCHEDULE 'B'

GAJANDOH BLOCK

PANCH AREA

DISTRICT CHHINDWARA (MADHYA PRADESH)

Mining Right

Sl. No.	Name of village	Patwari circle number	Settlement number	Tahsil	District	Area in hectares	Remarks
1.	Thaori-Damodar	51	261	Parasia	Chhindwara	159.090	Part
2.	Gajandoh	50	124	Parasia	Chhindwara	126.557	Part
Total area:						285.647 hectares (approximately) or 705.85 acres (approximately)	

Plot numbers to be acquired in village Thaori Damodar:

15 (Part), 26 (Part), 39/1-2 (Part), 39/3, 39/4 (Part), 39/5 (Part), 55 (Part), 57/2, 57/3 (Part), 74 (Part), 75/2 (Part), 75/3 (Part), 76 to 80, 81 (Part), 82 to 83, 89 (Part), 104 (Part), 106 (Part), 107 (Part), 108 to 120, 121/1, 121/2-3, 122/1, 122/2-3, 123 (Part), 124, 125 (Part), 126, 127/1 (Part), 127/2 (Part), 127/3 (Part), 132/2 (Part), 133/1 (Part), 133/2, 133/3, 134, 135 (Part), 136 (Part), 138/2 (Part), 139/1-2 (Part), 152 (Part), 195 (Part), 199 (Part), 200 (Part), 201/1, 201/2, 202 to 213, 214 (Part), 215, 218 (Part), 219 to 221, 222/1, 222/2, 222/3, 224/4, 223 (Part), 224, 225, 226 (Part), 227, 228/1-228/2 (Part), 229 (Part), 230, 231, 232 (Part), 233 (Part), 234 (Part), 235 (Part), 236 to 238, 239 (Part), 240/1 (Part), 240/2 (Part), 240/3 (Part), 241 (Part), 242/1, 242/2, 242/3, 243/1, 243/2, 243/3, 244 (Part).

Plot numbers to be acquired in village Gajandoh:

1/1 (Part), 1/3 (Part), 1/4 (Part), 1/5 (Part), 1/7 (Part), 1/8, 1/9, 1/11, 1/12, 1/14 (Part), 1/15 (Part), 1/16 (Part), 1/27 (Part), 1/28 (Part), 1/29, 1/30 (Part), 1/31 (Part), 1/32 (Part), 1/38, 5 to 12, 13 (Part), 14/1, 14/2, 14/3, 14/4, 14/5, 14/6, 14/7, 14/8, 14/9, 14/10, 14/11, 14/12, 15 to 21, 22/1, 22/2, 23, 24/1 (Part), 24/2, 24/3 (Part), 25, 26, 27 (Part), 28/3 (Part), 28/4 (Part), 28/5 (Part), 34/1 (Part), 34/2, 35/1 (Part), 35/2 (Part), 35/3 (Part), 35/4 (Part), 36, 37, 38 (Part), 39/1 (Part), 39/2 (Part), 40/1, 40/2 (Part), 46/1, 46/2, 47 (Part), 50 (Part), 51 (Part), 52, 53 (Part), 56 (Part), 120 (Part), 121 (Part), 122 (Part), 124 (Part), 125 (Part), 126, 127/1, 127/2, 127/3, 128/1, 128/2, 129/1, 129/2, 130/1 (Part), 130/2 (Part), 130/3 (Part), 131/1 (Part), 131/2 (Part), 131/3 (Part), 132 (Part), 133 (Part), 134 (Part).

Boundary description:

A—B—C : Line starts from point 'A' through village Thaori Damodar in plot numbers 139/1, 138/2, 136, 135, 81, 15, 26, 123, 104, 39/1, 106, 107, 39/5, 39/4, 39/2, 55, 57/3, 89, 74, 75/3, 75/2 and meets at point 'C'.

- C—D : Line passes through village Gajandoh in plot numbers 1/4, 1/7, 1/5, 1/15, 1/3, 1/16, 1/14, 1/1, 1/27, 38, 39/1, 39/2, 40/2, 1/1, 1/28, 1/30, 1/3, and meets at point 'D'.
- D—E : Line passes through village Gajandoh in plot numbers 1/32, 1/31, 1/1, 47 and meets at point 'E'.
- E—F—G—G1 : Line passes through village Gajandoh in plot numbers 47, 1/1, 50, 51, 53, 13, 56, 35/4, 35/2, 35/3, 35/1, 34/1, 120, 24/3, 24/1, 120, 28/3, 28/4, 28/3, 27, 121, 122, 124, 125, 134, 133, 13, 132 and meets at point 'G1'.
- G1—G2 : Line starts from point G1 and passes through village Gajandoh in plot numbers, 132, 130/3, 130/2, 130/1 and meets at point 'G2'.
- G2—G3—G4—G5 : Line passes through village Thaori Damodar in plot numbers 240/3, 240/2, 240/1, 239, 235, 223, 229, 226 and meets at point 'G5'.
- G5—G6 : Line passes through village Thaori Damodar along the common boundary of plot numbers 224 and 226 and meets at point 'G6'.
- G6—G7—G8—G9 : Line passes through village Thaori Damodar in plot numbers 223, 228/2, 232, 233, 234 and then along the outer boundary of plot numbers 235, 239, 240/1, 240/2, 240/3 and meets at point 'G9'.
- G9—G10 : Line passes along the common boundary of villages Thaori-Damodar and Gajandoh and meets at point 'G10'.
- G10—G11 : Line passes through village Gajandoh in plot numbers 130/1, 130/2, 130/3 and meets at point 'G11'.
- G11—H : Line passes through village Gajandoh in plot numbers 130/3, 131/3, 131/2, 131/1 and meets at point 'H'.
- H—I—J : Line passes through village Thaori Damodar along the common boundary of villages Thaori Damodar and Nagalwari and meets at point 'J'.
- J—A : Line passes through village Thaori Damodar in plot numbers 244, 218, 214, 215, 200, 195, 199, 152, 127/3, 127/2, 127/1, 125, 133/1, 132/2 and meets at starting point 'A'.

[No. 43015/5/89-LSW]

B.B. RAO, Under Secy.

अन्य संश्लेष

नई दिल्ली, 4 दिसम्बर, 1990

का.पा. 3477.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नार्थ ईस्टर्न रेलवे के प्रबंधन के संबंध निम्नलिखितों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-12-90 को प्राप्त हुआ था।

MINISTRY OF LABOUR

New Delhi, the 4th December, 1990

S.O. 3477.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of North Eastern Railway, Fatehgarh and their workmen, which was received by the Central Government on 3-12-90.

ANNEXURE

BEFORE SHRI ARJAN DEV, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 282 of 1989

In the matter of dispute between :

General Secretary,

Eastern Railway Shramik Sangh,

6 Naveen Market,
Kesharbagh, Lucknow.**AND**Asstt. Engineer,
Northern Eastern Railway,
Fatehgarh.**AWARD**

1. The Central Government, Ministry of Labour, vide its notification No. L-41012/26/89-D. II(B) dt. 2-11-89, has referred the following dispute for adjudication to this Tribunal :

"Whether the demand of the Union to reinstate the workman Sh. Bhogeshwar Yadav working under P.W.I; N.E.R Kanoj w.e.f. 16-7-87 with full back wages is justified ? If not to what relief the workman concerned is entitled ?"

2. The industrial dispute on behalf of workman Shri Bhogeshwar Yadav has been raised by the Gen. Secretary, N.E.R. Shramik Sangh, Lucknow

3. In the case the Union has filed the claim statement and rejoinder, but has not filed the affidavit evidence in support of its case despite giving of several opportunities, with the result that the application for adjournment moved today for further

time to file affidavit evidence has been rejected by me.

4. The case is contested by the management. Since the Union has failed to adduce evidence in support of its case the reference is answered against it.

5. Reference answered accordingly.

Dt. 19-11-90

ARJAN DEV, Presiding Officer
[No. L-41012/26/89-D. II(B)(Pt.)]

का.सा. 3478.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार रीजनल टेलीकॉम ट्रेनिंग सेन्टर, लखनऊ के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-12-90 को प्राप्त हुआ था।

S.O. 3478.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Regional Telecom Training Centre, Lucknow and their workmen, which was received by the Central Government on 3-12-90.

ANNEXURE

BEFORE SHRI ARJAN DEV, PRESIDING
OFFICER, CENTRAL GOVERNMENT INDUS-
TRIAL TRIBUNAL, PANDU NAGAR, KANPUR.
Industrial Dispute No. 89/89

In the matter of dispute between :

Shri Nagendra Singh,
ESIB 639 LDA Colony, Sitapur Road,
Lucknow.

AND

Principal,

Regional Telecom Training Centre,
Vivekanand Polyclinic Ke Pichey,
Lucknow.

AWARD

1. The Central Government, Ministry of Labour, vide its notification No. L-40012/31/88-D. 2(B) dt. 7-4-89, has referred the following dispute for adjudication to this Tribunal :

"Whether the Principal, Regional Telecom Training Centre, Lucknow was justified in terminating the services of Shri Nagendra Singh, casual labour w.e.f. 1-8-87 ? If not to what relief the workman was entitled to ?"

2. The workman's case in short is that he was appointed as a casual labour in the Regional Telecom Training Centre, Lucknow on 12-6-85 and he had worked as such till 31-1-87. He alleges that his ser-

vices were terminated w.e.f. 1-8-87 on the ground that persons having more experience should be engaged as casual labour in the said training centre. According to him, the said action of the management is unjustified being against para 38 Vol. IV of P&T Manual and Rule 12(2) of the Central Service Classification & Appeal Rules, 1965. He further alleges that after 12-6-85 Shri Ehtisham Ali, Nawab Ali, Anand Kumar Mishra and Vishwanath Prasad, were engaged in the said training centre. In the graduation list he was senior to them except Shri Ehtisham Ali. It is also alleged by him that since he had worked for 240 days in a year, his services could not have been terminated. He has, therefore, prayed for his reinstatement as a permanent hand w.e.f. 1-8-87, with full back wages and all consequential benefits.

3. In reply the management plead that the workman was engaged on daily wages as a casual labour on 12-6-85 for specific installation works. According to the management consequent upon imposition of ban on appointment of casual labour vide DG; P&T, New Delhi letter No. 270/6/84-STN dt. 30-6-85 copy annexure I, the practice to engage casual labour after getting them sponsored from employment exchange on muster rolls was stopped. It was only in very exceptional circumstances, due to extreme urgency of works, that labourers were engaged from open market on daily wages for specific works for short duration on adhoc basis. The labourers so engaged were not brought on muster rolls. Further consequent upon receipt of further instructions from the Telecom Board, DOT, New Delhi, vide letter No. 270/6/84-STN dt. 22-4-87, copy annexure II, all such casual labourers who had been engaged after 30-3-85 on purely adhoc basis for specific works were discharged from the casual assignments after giving them one month's notice. It was in these circumstances, that his services were terminated as per provisions of sec. 25F I.D. Act after giving one month's notice, copy annexure 3. During proceedings before ALC(C) the management were prepared to pay retrenchment compensation to the workman but he declined to accept the same. The management deny that any person junior to the workman was detained in service. With regard to absorption of casual workers, the management plead that the government have regularised those casual workers who had completed 7 years of services as on 31-3-87. Since the service of the workman had already been terminated w.e.f. 1-8-87, the question of regularisation of his service did not arise, particularly when person having much service are yet to be regularised. Besides the casual workers who have been subsequently engaged at RTTC, the list whereof is annexure IV, are very senior casual labourers. Further at present no posts are vacant against which the workman could be accommodated.

4. In his rejoinder the workman has alleged that the notice to which reference has been made by the management in their written statement was served on him only 7 days before 31-7-87.

5. In support of his case, the workman has filed his own affidavit and a number of documents. On

the other hand, in support of their case, the management have filed the affidavit of Shri S. K. Bhandari, Principal RTTC, Lucknow.

6. Shri D. R. Saxena, the authorised representative for the management, has submitted at the very outset that in view of the reference order the Tribunal has simply to examine the question of justification

of the action of the management in terminating the services of the workman. According to him the tribunal is not required to look into the legality of the said action of the management. After giving due consideration to his submissions I do not agree with him. The term justification is sufficient enough to mean whether or not the action of the management stood the test of legality as well.

7. Admittedly the workman was engaged as a casual labour on 12-6-85 and his services were terminated w.e.f. 1-8-87. Thus there remains no dispute about the fact that he had worked for more than 240 days during the period of 12 months preceding the date of termination of his services. This being so his service could have been terminated only after compliance of the provisions of sec. 25F I.D. Act. According to sec. 25F I.D. Act, in such a case the management is required to give one month's notice or one month's pay/wages in lieu of notice besides retrenchment compensation.

8. There is no dispute about the fact that the workman was given one month's notice dt. 31-6-87. According to the workman it was served on 24-7-87. After going through the evidence on record I find no force in the contention of the workmen. In his cross examination, the workman has admitted that he is High School Pass. He was confronted during his cross examination, with the photocopy of notice dt. 30-6-87. This fact that this notice was given to six persons is not denied by him. The name of the workman appears at serial no. 5. He admits that against his name his signature appear. He also admits that he has not given any date showing date, receipt or service upon him below his signatures. He admits that Sh. Sudhir Kumar whose name appear at serial no. 6 has mentioned the date of service upon him as 2-7-87 below his signatures. He has further admitted that no where in his affidavit which he has filed in support of his case and in the claim statement below his signatures, wherever they appear, the date has been given. In the circumstances, it will be deemed that he had been served with the notice on 1-7-87 as was suggested to him during his cross examination by the management side. Had he received notice on 24-7-87, like Shri Sudhir Kumar, he would have mentioned the date 24-7-87 below his signatures. The fact that Shri Sudhir Kumar had mentioned the date of receipt of notice below his signatures shows that had the workman wanted to put the date of service of the notice the opportunity would not have been denied to him. Thus it stands proved that he was duly given one month's notice in connection with the termination of his service by the management.

9. The second ingredient of sec. 25F I.D. Act is with regard to payment of retrenchment compensation. From para 9 of the written statement of the management it is abundantly clear that while terminating the services of the workman he was not paid any retrenchment compensation. An attempt was made to pay him retrenchment compensation only when the proceedings regarding industrial dispute raised by the workman were pending before the ALC(C). According to the management before the ALC(C) the workman declined to accept the same. To my mind, mere readiness to pay retrenchment compensation at that stage cannot amount to compliance of section 25F I.D. Act. It was to be paid at the time of termination of his services.

10. The provisions of sec. 25F are mandatory in nature. Since they were not fully complied with by the management, the termination of the services of the workman was void ab initio.

11. The workman has also challenged the termination of his services on the principle of last come first go as enshrined in sec. 25G I.D. Act. During his cross examination, the management witness has proved Ann. IV to the written statement. It is with regard to particulars of casual workers as per records available at the RTTC, Lucknow. Against the name of each casual labour are mentioned the date of initial engagement and the centre at which he was engaged.

12. In his claim statement the workman has named 4 persons and he has alleged that S/Shri Nawab Ali, Anand Kumar Mishra and Shri Vishwanath Prasad were junior to him. From the dates of their initial engagement given in annexure IV to the written statement it is evident that all the three of them were engaged much before the workman. Shri Vishwanath Prasad was engaged on 2-11-80, Shri Anand Kumar was engaged on 5-7-81 and Shri Nawab Ali was engaged on 16-12-81. Thus I find no force in this plea.

13. We have seen above that the action of the management in terminating the services of the workmen being in violation of the provisions of sec. 25F I.D. Act is void ab initio. So the ordinary relief to which the workman is entitled under law is of reinstatement with full back wages and all consequential benefits. However, the management has come out with the case that he was engaged for specific purpose for a specified period and therefore, the provisions of sec. 2(oo) (bb) of the Act are attracted. But on a consideration of the evidence I find that there is no force in this plea.

14. In para 9 of the written statement, it has been pleaded by the management that the workman was engaged as a casual labour on daily wages for specific installation works. Similarly in para 5 of the affidavit of the management witness it is found stated that the workman was engaged as unskilled labour to help the skilled workers for specified works i.e. the installation of Tracing Exchange Equipment. But when we have a look at annexure

I of the affidavit of the management witness we find that the workman had worked as Technical helper (labour) in installation as well as maintenance work of various equipments in the training Centre. It therefore, means that his services were utilised in connection with installation work but also in connection with maintenance work. Ann. II to the affidavit is the copy of letter dt. 15-4-87 from the Assistant Engineer to the Principal. In it the Assistant Engineer writes that the installation work will be completed within the next 2-3 months. One may believe that installation work could have been completed but it is not possible to believe that the maintenance work would also be completed in the said period. Maintenance work is of perennial nature and it never finishes.

15. On the point under consideration I would also like to refer to statement made by the management witness in his cross examination. In para 3 of his statement in cross examination he has deposed that no letter of appointment was ever issued in the name of the workman. He has admitted that the management are not in possession of any such document from which it may be inferred that the workman had been engaged for a specified period.

16. In the circumstances, I do not find any force in the plea raised by the management.

17. In view of the above discussion of evidence, I hold that that action of the Principal, Regional Telecom Training Centre, Lucknow, in terminating the services of the workman w.e.f. 1-8-87, was neither legal nor justified. Consequently, the workman is entitled to reinstatement with full back wages and all consequential benefits subject to his furnishing an affidavit to the effect that he was not gainfully employed during the period w.e.f. 1-8-87 till the date of his reinstatement in services. I may also make it clear that the relief of permanent absorption as prayed for by the workman cannot be granted to him as the same is not the subject matter of the present reference.

Reference is answered accordingly.

27-11-90

ARJUN DEV, Presiding Officer

[No. I-40012/31/88-D.II(B)(Pt)]

का.प्र. 3479—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार उत्तर रेलवे लखनऊ के प्रबंधन के संबंध निरीक्षणों और उनके कर्मचारियों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के संघटन को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-12-90 को प्राप्त हुआ था।

S.O. 3479.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Northern Railway, Lucknow and their workmen, which was received by the Central Government on 3-12-90.

ANNEXURE

BEFORE SHRI ARJUN DEV PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL PANDU NAGAR, KANPUR

Industrial Dispute No 130 of 89

In the matter of dispute between :

Zonal Working President Uttar Rly Karamchhari Union 96/196 Roshan Bajaj Lane Ganeshganj Lucknow.

..AND

Dy. Chief Engineer (Bridge) Northern Railway Charbagh Lucknow.

AWARD

1. The Central Government, Ministry of Labour, vide its notification no. L-41011/3/87-D.II(B) dt. 19-5-89, has referred the following dispute for adjudication to this Tribunal —

Kya Uup Mukhya Abhiyanta Bridge Workshode Charbagh Ki Khalasi S/Shri Ram Chandra aur Munna Lal ki Sanchayi prabhav se ek ki wetanvardhhi rokaney ke yarsh dand dene ki karwai nyayochit hai? Yadi nahi to yeh karamkar kis anutosh ke haqdar hai ?

The industrial dispute on behalf of the two workmen has been raised by Uttar Railway Karamchhari Union (hereinafter referred to as Union for the sake of brevity). The case of the Union is that in the reference order workman Shri Ramesh Chandra has been wrongly named as Ram Chandra. According to the Union the two workmen were given a chargesheet by the Dy. Chief Engineer (Bridge) Locoshop Lucknow, that they were found playing cards with stakes during recess hours inside the workshop. Sh. Y. D. Rao, Sr. Civil Engineer (Bridge Linc II) New Delhi, who held the inquiry into the charge found the two workmen guilty. Accounting the inquiry report, the Dy. Chief Engineer (Bridge) by means of order dt. 29-7-85 awarded them the punishment of withholding of increment permanently for three years. However, on appeal the said punishment was reduced to withholding of increment for one year.

3. The Union has challenged the order of punishment passed by the disciplinary authority and the appellate order reducing the punishment awarded to the workmen. The Union, alleges that both the orders are non speaking orders. They are perverse and are not based on evidence. There was no recovery of playing cards and money. Except Shri B M Sharma, who was biased against the workman, no other witness supported the charge. The Union further alleges that the action of the raiding party was beyond the jurisdiction. Only police could have taken cognizance of it.

4. In defence, the management plead that the two workmen alongwith 7 other employees who were on duty in the Bridge Workshop Lucknow were found gambling behind latrine no. 4 in the premises of the Bridge Workshop at about 1.25

p.m. on 16-1-82. They were caught redhanded by the railway officials of the Bridge Workshop Lucknow. They were not found present at the place of their duty allotted on the said date. Accordingly they were placed under suspension w.e.f. 20-1-82. They were served with chargesheet in this regard. Sh. Y. D. Rao who was appointed E.O. held the inquiry and found the charge as proved. The disciplinary authority by means of its order dt. 29-7-85 awarded them the punishment of withholding of increment permanently for three years which was reduced by the appellate authority by means of its order dt. 25-1-86, "with holding of increment for one year.

5. The management further deny that there was no evidence to support the charge. The management also deny that the orders of the disciplinary authority and the appellate authority are perverse.

6. In its rejoinder, the Union has alleged that the inquiry was not conducted in accordance with the principles of natural justice. No other new fact has been alleged by the Union.

7. In this case, 13-6-90, 7-8-90, 11-9-90, 13-9-90, 9-10-90, 19-11-90 and 20-11-90 were the dates fixed for filing of affidavit evidence by the Union. On 20-11-90, the Union once again sought time to file affidavit evidence on the ground that the affidavit could not be prepared due to unavoidable reasons. On account of several opportunities having already been given to the Union, finding no sufficient grounds, the application was rejected. That very day it was orally submitted by Shri B. D. Tiwari, the authorised representative for the Union that despite that he would argue the case even in the absence of evidence from the side of the Union. Upon that the case was fixed for arguments on 23-11-90.

8. During the course of his arguments it was submitted by Shri Tiwari, that the order of punishment passed by the disciplinary authority and the order of Appellate Authority reducing the punishment are liable to be quashed. Accordingly to him the workmen were gambling during recess hours and not during duty hours. Finding is not based on evidence. There was no recovery of playing cards and the stake money. Reliance was placed on the evidence of Shri B. M. Sharma, against whom the Union workers had made a representation to the Chief Bridge Engineer on 9-1-82. Lastly, he submitted that the raiding party had no jurisdiction to take notice of it the jurisdiction vested with the police. On the other hand it has been argued by Shri Ravi Jauhari, SLA, that there is nothing on record to substantiate the contention raised by Shri Tiwari, authorised representative for the Union.

9. After hearing the two sides, I am of the view, that there is no material on record to substantiate the points raised by Sh. Tiwari. In the file there is not even one document relating to the inquiry. In the absence of any such document it is not possible for the Tribunal to judge the merits of the points raised by Shri Tewari. The Union ought to have

filed these documents. As stated above several opportunities were given to the Union to lead oral as well as documentary evidence, the opportunities were not utilised by the Union. The question whether the raiding party had the jurisdiction is legal. When police takes cognizance of such a matter it becomes an offence and the culprits are liable to be prosecuted in a criminal court of law. But it does not mean that the management cannot take cognizance of such matters and initiate disciplinary proceedings, against the employees found gambling in the working premises during the duty hours.

10. Hence it is held that the action of the management in withholding of increment of the workmen for one year cannot be held as unjustified. The result is that the Union/workmen are entitled to no relief.

11. Reference is answered accordingly.
Dt. 27-11-1990.

ARJAN DEV, Presiding Officer
[No. I-41011/3/87-DII(B)(Pt.)]

नई दिल्ली, 10 दिसम्बर, 1990

का.प्र. 3480.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार टेलिकोम फैक्टरी, जबलपुर के प्रबंधन के संबंध निोजकों और उनके कर्मचारों के बीच, अनुबंध में निम्नित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-12-90 को प्राप्त हुआ था।

New Delhi, the 10th December, 1990

S.O. 3480.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Telecom. Factory, Jabalpur and their workmen, which was received by the Central Government on 4-12-90

ANNEXURE

BEFORE SHRI V. N. SHUKLA, PRESIDING
OFFICER, CENTRAL GOVERNMENT INDUS-
TRIAL TRIBUNAL-CUM-LABOUR COURT.

JABALPUR (M.P.)

CASE NO. CGIT/LC(R)(81)/1988

PARTIES :

Employers in relation to the management of
Telecom Factory, Jabalpur and their work-
man, Shri Gaya Prasad, T. No. 2633 Clo
Shri Vishnu Prasad Rathore, Behind Kher-
mai Mandir, Jabalpur (M.P.).

APPEARANCES :

For Workman.—Shri R. K. Gupta, Advocate.

For Management.—Shri S. S. Jha, Advocate.

INDUSTRY : Telecom Factory DISTRICT : Jabalpur
(M.P.)

AWARD

Dated 16-11-1990

This is a case referred by the Central Government, Ministry of Labour vide its Notification No. L-40012/43/87-D-11(B) dated 22nd July, 1988, for adjudication of the following disputes :—

“Whether the management of Telecom Factory in removing Shri Gaya Prasad, Mazdoor T. No. 2633 from service vide its order dated 28-5-87 is justified? If not, to what relief the workman concerned is entitled?”

2. Undisputed facts of the case are that the workman, Gaya Prasad, T. No. 2633 was removed from service vide order dated 28-5-1988 after holding a departmental enquiry against him. Charges framed against were as follows :—

“कि श्री गया प्रसाद टि. नं. 2633, मजदूर कलईधर विनांक 15-5-86 को करीब 15.35 को गेट नं. 1 से जब वह बाहर जा रहा था, जिसकी सायकल एच.एम. नं. 7354 के केरियर में लगे काले बेलने में कुछ बरसे के टुकड़े रखे हुये थे, पकड़े गये। जिसका वजन 1040 ग्राम पाया गया उसे छील कर जख्मी बमार्ड गई तथा सुरक्षा अधिकारी के पुर्पुर् कर दिया गया।।

श्री गया प्रसाद टि. नं. 2633 मजदूर कलईधर का उपरोक्त कृत्य प्रमाणित स्थायी आरोप की धारा 31 (घ) के अनुसार सामकिय संपत्ति की चोरी का प्रवचन है।”

3. The case of the workman in brief is that he had put in unblemished service for last 15 years. He was suspended with effect from 16-5-1986 and thereafter he remained suspended until dismissal. In the meanwhile departmental enquiry was held against him. It is illegal and contrary to the principles of natural justice. The concerned workman has not been afforded proper and full reasonable opportunity to defend himself. He had no proper occasion to cross-examine the prosecution witnesses in the enquiry. The alleged zinc pieces were not brought before the Enquiry Officer to verify whether the property belong to the management.

4. That apart, the Enquiry Officer has wrongly and illegally held the workman to the guilty of charges. Findings of the Enquiry Officer are perverse and not based upon any legal evidence. Before the dismissal of the concerned workman no second show cause notice was given along with the findings of the enquiry and yet the concerned workman was asked to submit explanation against the proposed penalty of dismissal from service. A detailed representation was submitted by the concerned workman but it was not taken into consideration. He has been victimised. Even otherwise, the punishment is harsh and excessive. Thus the workman is entitled to reinstatement with full back wages and consequential benefits.

5. According to the management, enquiry was just and proper. The points raised are not tenable. Punishment is adequate and the penalty imposed is

not excessive. Therefore the reference is liable to be rejected.

6. So far the question of validity of the enquiry is concerned, all the points raised were vague except that no second show cause notice was given to him along with the findings. This fact has, however, been denied by the management. Even otherwise also the workman was not at all prejudiced because he had given a full and complete reply to the second show cause notice. It follows that the workman concerned had full knowledge and full access to the findings of the enquiry and he was not at all prejudiced with it. That being so, it cannot be said that the enquiry was invalid or illegal. It was also urged that the enquiry was belated but that by itself does not make the enquiry invalid to direct the parties to lead evidence afresh before this Tribunal causing further more delay. Thus it cannot be said that the enquiry was vitiated on any count what-so-ever. Obviously, the management has not made any prayer that in case the enquiry is vitiated it should be permitted to lead evidence afresh. This point would have more force if this Court had come to the conclusion that the enquiry is vitiated and would have prohibited the management to lead evidence afresh on the matter of misconduct of the workman concerned.

7. The workman while arguing has stated that the report does not contain the reasoning, the D.E. file does not disclose that the seized property was either produced or belonged to the Government or the workman concerned was having unauthorised material. The alleged confession is not of full facts.

8. Having perused the enquiry papers which are not in dispute (Article A) it may be seen that the workman himself has not disputed that the alleged zinc weighing 1040 Grams was recovered from his bag which was kept in a bag carried by him on a cycle. His representation dated 22-7-1986 which is a reply to the charge-sheet is as follows :—

मजदूर विवेकन है कि आपके फाइल नं. Disc/Le 2633/S/86-87 विनांक 18-6-86 के अनुसार मुझे चार्ज शीट मिली है। मैं श्री गया प्रसाद टि. नं. 2633 कलईधर में काम करता हूँ, मेरी डियूटी मुझ पानी में थी। मैं, फाइल में पानी पिलाने में सोमवार में थी। मैंने अपना छोला साईकिल में टंगा छोड़ दिया था। बेलने में जाने का टिकिन लाता हूँ। मैं जिस प्रकार रोज डियूटी पर जाता था, और शाम को चला जाता था, छोला कभी मैंने बैक नहीं किया था। उसी प्रकार उस दिन भी छुट्टी हुई मैंने अपनी साईकिल उठाकर घर के लिए चल दिये। कौन मेरे बेलने में जिंग टाली डाल दी यह मुझे नहीं मालूम हुआ। मैंने जिंग टाली नहीं डाली थी। मैं ऐसा काम नहीं कर सकता हूँ। दुश्मनी से किसी अन्य व्यक्ति ने मेरे बेलने में डाल दिया होगा।”

That apart, his representation dated 15-5-1986 is also very clear on this point. Thus this fact is not disputed that the alleged zinc was recovered from the bag carried by him on the cycle. There are several memos and other documents which also reveal that the alleged zinc was recovered from the possession of the delinquent workman.

9. Thus it is not material that the said zinc was not produced during the departmental enquiry. It is true that there is no evidence to the effect that the zinc belonged to the Government. But admittedly, the delinquent workman was working in Kalaighar as per

his reply dated 22-4-1986 to the charge. It is also not the case of the workman that the said zinc belonged to him. The said zinc was being removed from the premises of the management and it did not belong to the delinquent is sufficient proof of the fact that it belong to the management. We are not here to decide a criminal case. There is another aspect of the case.

10. The management has examined B. L. Pandrum and Sreeram Sharma respectively Security Guard and Chowkidar in support of the case of the management. It was only on suspicion that Chowkidar Sreeram Sharma checked the delinquent who was then at the gate with a cycle having a bag on its carrier. When the bag was checked the zinc pieces were recovered from the bag. It is pertinent to note that these witnesses very clearly say that the delinquent never objected to the search. The delinquent workman says that he was not aware of the fact that some zinc pieces are lying in his bag and accordingly to him somebody might have put them in his bag.

11. In this regard, the workman has stated that the zinc was found from the Tiffin Box kept in the bag but this fact was not suggested to the witnesses of the management in their cross-examination. The Seizer Memo also does not disclose that the workman was carrying a Tiffin Box. As per Seizer Memo a bag was kept on the cycle of the workman which he was carrying and Rubber Dastane, Lak Pant, Shirt and a small bag were kept in the said bag and the small bag contained the zinc pieces. But the witnesses do not disclose that all these materials were found in the bag. At the same time, this fact can also not be outrightly rejected that the delinquent was having a Tiffin Box in the bag because no evidence has been led on behalf of the management to show as to what properties were kept in the bag apart from the zinc pieces. On the other hand, as per Sreeram Sharma except the zinc pieces nothing else was seized from the delinquent workman. The workman obviously had no hesitation or objection to the search. With all this conduct of the workman and keeping this fact that it is only a departmental enquiry and we cannot go by the strict rules of cross-examination, I feel inclined to be more reasonable in the matter particularly when the report of the Enquiry Officer dated 3-3-1987 also says that it seems that the delinquent was innocent and he was not knowing that the zinc pieces are in his bag.

12. It is true that when two views can be taken and proper reasoning has been given the order of disciplinary authority should be accepted. In this view of the matter while upholding the findings of misconduct of the delinquent I feel that the punishment is excessive in the facts and circumstances of this case.

13. The order of removal of the workman is accordingly liable to be and is hereby set aside and he is reinstated with continuity in service but without any back wages or consequential reliefs except the benefits arising out of the continuity of service. Reference is, therefore, answered as follows :—

That the management of Telecom Factory in removing Shri Gaya Prasad, Mazdoor T. No. 2633 from service vide its order dated 28-5-1987 is not justified.

He is entitled to be reinstated with continuity of service but without any back wages or consequential reliefs. He shall, however, get the reliefs arising out of the continuity of service. No order as to costs. Award is given accordingly.

Dated 16-11-90

V. N. SHUKLA, Presiding Officer

[No. L-42012|43|87.D.II(B)]

का.प्र. 3481.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मजाल हैड्रो इलेक्ट्रिक प्रोजेक्ट के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधि-करण, चंडीगढ़ के पत्राट को प्रकाशित करता है, जो केन्द्रीय सरकार को 3-12-90 को प्राप्त हुआ था।

S.O. 3481.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Salal Hydro Electric Project and their workmen, which was received by the Central Government on 3-12-1990.

ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH.

Case No. I.D. 14|90

Employers in relation to the management of Salal Hydro Electric Project.

AND

Their workman : Rajeshwar Dayal

For the workman : Shri V. P. Aiary.

For the management : Shri R. L. Gupta.

AWARD :

Central Govt. gazette notification No. L-42012|34|84-I R(DU) dated 15th January, 1990 issued U/S 10(1)(d) of the I.D. Act 1947 referred the following dispute to this Tribunal for decision on a dispute realised by Rajeshwar Dayal :—

"Whether the action of the management of the Salal Hydro Electric Project in not granting promotion to Shri Pajeshwar Dayal w.e.f. 1-1-1989 is justified ? If not then what other relief the workman is entitled and with what effect".

2. File taken up today at the request of the parties. Rep. of the workman Shri V.P. Aiary has made a statement that the claim of the workman has been satisfied by the management and he does not want to pursue with the present reference any more and thus a no dispute award may be sent to the ministry. In view of the statement made by Shri V.P. Aiary, rep. of the workman a No dispute Award is returned.

ARVIND KUMAR, Presiding Officer
[No. L-42012|34|84-IR(DU)]

का.प्रा. 3482.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार टेलिकम्यूनिकेशन के प्रबंधन के संयुक्त नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चंडीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार का 3-12-90 को प्राप्त हुआ था।

S.O. 3482.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Dist. Engineer, Telecommunication, Jammu and their workmen, which was received by the Central Government on 3-12-90.

ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT CHANDIGARH.

Case No. I.D. 53/89

Employers in relation to the management of Telecommunication District Engineer, Jammu.

AND

Their workmen : N.K. Gupta & C.M. Chadha

For the workman : Workman in person.

For the management : Shri D. P. Gupta.

AWARD :

Central Govt. vide gazette notification No. L-40011/17/88-D.II(B) dated the 5th of April 1989 issued U/S 10(1)(d) of the I.D. Act, 1947 referred the following dispute to this Tribunal for decision on a dispute raised by the workmen :—

“Whether the action of Telecommunication District Engineer, Jammu and General Manager, J&K Circle, Telecommunication, Srinagar in denying employment in respect of S/Shri N.K. Gupta and C.M. Chadha, technician is justified? If not, to what relief the workman are entitled to and from what date?”

2. Case taken up today at the request of the parties. C.M. Chadha workman has made a statement that their claim has been satisfied by the management and he does not want to pursue with the present reference any more and thus a no dispute award be sent to the Ministry. In view of the statement made by the workman a No Dispute Award is returned.

Chandigarh,

14-9-1990.

ARVIND KUMAR, Presiding Officer

[No. 40011/17/88-D.II(B)]

का.प्रा. 3483.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मलाल वर्कशॉप डिवीजन के प्रबंधन के संयुक्त नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चंडीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार का 3-12-90 को प्राप्त हुआ था।

S.O. 3483.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Salal Workshop Divn. and their workmen, which was received by the Central Government on 3rd December, 1990.

ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH.

Case No. I.D. 34/89

Employers in relation to the management of Salal Hydro Electric Project.

AND

Their workman : Nikka Ram

For the workman : Shri V.P. Aiary.

For the management : Shri R. L. Gupta.

AWARD :

Central Government vide gazette notification No. L-42012/188/87-D.II(B) dated 1st February, 1989 issued U/S 10(1)(d) of the I.D. Act 1947 referred the following dispute to this Tribunal for decision on a dispute raised by Nikka Ram :—

“Whether the action of the management of Salal Workshop Division in termination the services of Shri Nikka Ram, is justified? If not, to what relief and from what date he is entitled to?”

2. Case taken up today at the request of the parties. Rep. of the workman Shri V. P. Aiary has made a statement that the claim of the workman has been satisfied by the management and he does not want to pursue with the present reference any more and thus a no dispute award may be sent to the ministry. In view of the statement made by Shri V. P. Aiary, rep. of the workman a No Dispute Award, is returned.

Chandigarh.

13-9-1990.

ARVIND KUMAR, Presiding Officer

[No. L-42012/188/87-D.II(B)]

का.प्रा. 3484.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नेशनल सेक्टर फार मण्डम रिवर्स एंड ट्रेनिंग के प्रबंधन के संयुक्त नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चंडीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार का 3-12-90 को प्राप्त हुआ था।

S.O. 3484.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the relation to the management of National Centre for Mushroom Research & Training and their workmen, which was received by the Central Government on 3-12-1990.

ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH.

Case No. I.D. 29/88

Employers in relation to the management of National Centre for Mushroom Research and Training Chambaghat, Solan (H.P.)

AND

Their workman : Tej Ram.

For the workman : Workman in person.

For the management : Shri R. R. Parwana.

AWARD

Central Govt. vide gazette notification No. L-42012/12/87-D.II(B) dated the 20th June, 1988 issued U/S 10(1)(d) of the I.D. Act, 1947 referred the following dispute to this Tribunal for decision on a dispute raised by Shri Tej Ram.

"Whether the action of the management of National Centre for Mushroom Research and Training Chambaghat, Solan (H.P.) in terminating Tej Ram son of Gorkhia Ram Casual Labourer from service with effect from 1-7-86 is legal/justified? If not, to what relief the workman concerned is entitled and from what date?"

2. Present case was fixed for arguments. However the parties have amicably settled the dispute. Shri R. R. Parwana Administrative Officer NCMRT Solan Himachal Pradesh has given statement that Tej Ram shall be given fresh engagement on daily wages. However he shall be given top priority in case of existence of a regular post provided he full fill the requisite qualification. He has also stated that earlier service put by Tej Ram shall be considered in case of age relaxation.

Tej Ram workman has stated that management is ready to appoint him a fresh and his earlier service shall be considered for the purpose of age relaxation in case of regular post, thus no dispute award may be passed.

3. In view of this settlement entered between the parties the management of NCMRT is directed to appoint Shri Tej Ram a fresh in service on daily wages. The management is directed to give him top priority in the regular post in case Tej Ram full fill requisite qualification for that post. The management shall also considered earlier service put by Tej Ram in case of age relaxation. Tej Ram is directed to appear before the Administrative Officer on 12-11-1990 at 9.00 A.M.

enabling the management to give him fresh appointment on daily wages. The award is returned accordingly.

Chandigarh.
30-10-1990.

ARVIND KUMAR, Presiding Officer

[No. L-42012/12/87-D.II(B)]

नई दिल्ली, 11 दिसम्बर, 1990

पा.ग्रा. 3485.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार उत्तर पूर्व रेलवे, लखनऊ के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-12-90 को प्राप्त हुआ था।

New Delhi, the 11th December, 1990

S.O. 3485.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of North-Eastern Railway, Lucknow and their workmen, which was received by the Central Government on 11-12-90.

ANNEXURE

BEFORE SHRI ARJAN DEV PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, PANDU NAGAR, KANPUR

Industrial Dispute No. 76 of 1989

In the matter of dispute between :

Shri Raja Ram C/o Shri S. P. Saxena, Advocate,
Mohalla Idgah Lakhimpur, Kheri.

AND

The Divisional Rly. Manager, N.E.R. Ashok
Marg, Lucknow

AWARD

1. The Central Government, Ministry of Labour, vide its Notification No. L-41012/7/88-D.II(B) dt. 5-3-89, has referred the following dispute for adjudication to this Tribunal :

Kya D.R.M.N.E. Rly. Lucknow ki Shri Raja Ram suputra Shri Bhagwan Deen ki 1-11-84 se sewayen samapt karne ki karya-wai nyayochit hai? Yadi nahi to yeh karam-kar kis anutosh ka haqdar hai?

2. The workman's case in short is that he was appointed as casual labour under PW1(Eng.), Lakhimpur Kheri NER on 15-9-60 and had worked till October 1984. Alongwith him 9 other persons were also appointed as casual labour and in the order of seniority he stood at serial no. 6. On 31st October, 1984, he was removed from service on the ground that for the present there was no work for

him and that as and when his services would be required, he would be called again. He alleged that 9 persons who were appointed along with him were again given duty and they have been made permanent by the Railway Administration. For being taken in service he addressed several letters by the registered post and when nothing materialised he gave a registered notice through Shri Raj Kamal Advocate. When even after the sending of registered notice nothing happened he met D. R. M. (P) Lucknow, in his office. The DRM(P) was kind enough to inquire about him from the Asstt. Engineer and who informed the D. R. M. (P) that there did not exist any vacancy and showed his inability to take him in service. The workman has, therefore, prayed for his engagement as a permanent hand from the time when persons junior to him were made permanent.

3. The case is contested by the management. The management plead that the workman was engaged as a casual labour on 15-9-66 and not on 15-9-60 as has been alleged by him. He had worked in broken periods till October, 1982. Till October, 1982, his working days come to 1816. The management further plead that he had worked for 167 days from 1-1-84 to 15-6-84 and for 107 days from 16-7-84 to 31-10-84. According to the management thereafter the workman absented from duty unauthorisedly. Hence he cannot be given the benefit of the railway service. He was the junior most when he left the job. In the circumstances, the question of his re-engagement does not arise at all, and he is entitled to no relief.

4. In his rejoinder the workman has alleged that he did not abandoned the job. No other new fact has been alleged by the workman.

5. In support of his case, the workman has filed his own affidavit and a number of documents and on the other hand, in support of their case the management had filed the affidavit of Shri MSA Siddique Assistant Engineer Sitapur.

6. There is a dispute between the parties about the date of initial engagement of the workman. Whereas the workman has set up the case that he was initially appointed on 15-9-60 the management have pleaded that his initial appointment was on 15-9-66. On a consideration of the evidence I find that the case set up by the management is far more reliable than the case set up by the workman.

7. Ext. W-2, is the copy of registered notice dt. 18-1-85 which the workman says was given by him to the various officers of the Railway Administration through Shri Raj Kamal Adv. In Para 1 of the notice the date of initial engagement is given as 1-1-66. The management witness was also confronted with Ext. W-1 showing details of the working days of the workman. After looking at its original the management witness deposed that the date of initial appointment in it is given as 15-9-66. The original of Ext. W-1 was filed by the authorised representative for the workman on 12-9-90, the date on which the management examined its other witness. Hence it is

held that the date of initial appointment of the workman is 15-9-66 and not 15-9-60.

8. The second point which arises in this case is as to till what date the workman had actually worked. From para 5 of the claim statement it appears that according to the workman he had worked upto 31-10-84. The same thing is found stated in paras 4, 5, 6, 7 and 11 of the written statement. However, in defence the management witness in para 5 of the affidavit has deposed that he had worked upto 15-11-84. This fact was corroborated by him in para 6 of his statement in cross-examination. However, a little after that the witness said that the workman worked upto 31-10-84, but he again took some result and said that he worked upto 15-11-84.

9. In view of the pleadings of the parties in which it is clearly stated that the workman had worked upto 31-10-84, evidence to the contrary cannot be accepted. From the document Ext. W-1 it appears that the workman had worked for 167 days from 1-1-84 to 30-6-84 and for 107 days from 1-7-84 to 31-10-84. Even the management has stated in para 3 of the written statement that the workman had worked for 167 days from 1-1-84 to 15-6-84 and for 107 days from 16-7-84 to 31-10-84. Though there is a little difference in the two periods but there is absolutely no difference between the number of days during which the workman even according to the management is said to have worked in 1984. Hence it is held that the workman had worked upto 31-10-84, and not beyond that.

10. The third and the most important point to be considered in this case is whether the workman had abandoned the job w.e.f. 1-11-84 or he was made to sit at the home as the case set up by the workman. On a careful consideration of the evidence, I find no force in the plea set up by the management.

11. Ext. W-2 is the copy of notice dt. 8-1-85, given by the workman through Shri Raj Kamal Advocate to the Chief Engineer, Executive Engineer, Assistant Engineer and Permanent Way Inspector. The workman has filed the photostat copies of the postal receipts of registration. They are paper No. 4/5 of the papers filed with the claim statement. All the above named 4 persons are named in the postal receipt of registration which bear the postal stamp of the date 8-1-85. Although the management witness has said in para 8 of his statement in his cross-examination that no such notice is found on record which he had with him. The ordinary presumption of law would be that these notices must have been received by the addressees. This belies the plea raised by the management in para 4 of the written statement that the workman had remained unauthorised absence for more than 9 years. Moreover it cannot be believed that a person who had been in service since 1966 and had worked upto 31st October, 1984 would leave the job all of sudden of his own accord without any rhyme or reason.

12. Hence it cannot be said to be a case of abandonment. I believe the case set up by the workman.

13. From the facts admitted to both the parties it is clear that w.e.f. 1984 to 31st October, 1984, the workman had worked for 278 days i.e. for more than

240 days. It is not the case of the management that his services were terminated after compliance of the provisions of Sec. 25, I. D. Act. Therefore, the action of the management in terminating the services of the workman cannot be held as justified and legal. It is void ab initio.

13. Held that the action of the management in terminating the services of the workman w.e.f. 1-11-84 is neither legal nor justified. Accordingly, the workman is held entitled to reinstatement with full back wages and all consequential benefits subject to his furnishing an affidavit before the management at the time of his reinstatement to the effect that he was not gainfully employed during the period of his unemployment till the date of his reinstatement by the management.

14. Reference is answered accordingly.

ARIAN DEV, Presiding Officer
[No. L-41012/788-D.II(B)]

नई दिल्ली, 12 दिसम्बर, 1990

का. भा. 3486.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डिभिजनल सचिव, पश्चिम रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निविष्ट औद्योगिक विवाद में औद्योगिक अधिकरण कोटा के पंचपट की प्रकाशित करती है, जो केन्द्रीय सरकार को 11-12-90 को प्राप्त हुआ था।

New Delhi, the 12th December, 1990

S.O. 3486.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Kota as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Western Railway, Kota and their workmen, which was received by the Central Government on 11-12-90.

अनुबंध

न्यायाधीश, औद्योगिक न्यायाधिकरण, कोटा/राज./निर्देश प्रकरण - क्रमांक : सी. ग्या. रे. (केन्द्रीय)-6/1989, दिनांक स्थापित 1/6/89

प्रसंग : भारत सरकार, अम मंत्रालय के आदेश संख्या एल-41012 98/87-डी-II (बी) दिनांक 17-3-89

औद्योगिक विवाद अधिनियम, 1947

मध्य

डिभिजनल सचिव पश्चिम रेलवे कर्मचारी परिषद, भीमगंज मण्डी, कोटा जंक्शन।

—प्रार्थी मंजियन

पूर्व

कार्यपोलक अधियस्ता (एस एण्ड सी) II, पश्चिम रेलवे, कोटा।

—प्रतिपक्षी नियोजक

उपस्थित

श्री जगदीश प्रसाद,
छात्र एच. जे. एस.

प्रार्थी मंजियन की ओर से :—कोई उपस्थित नहीं।

प्रतिपक्षी नियोजक की ओर से :—कोई उपस्थित नहीं।

अधिनियम दिनांक : 5 नवम्बर, 1990

अधिनियम

भारत सरकार, अम मंत्रालय द्वारा निम्न निर्देश औद्योगिक विवाद अधिनियम 1947 की धारा 10(1)(ब) एवं उपधारा (2-क) के अन्तर्गत इस न्यायाधिकरण को अधिनियमार्थ सम्प्रेषित किया गया है :—

“क्या एकम. ई. एन. (एस एण्ड सी-II), कोटा की श्री जाब सिद्ध को 25/7/86 में रेटायर के वेतनमान वर से भुगतान न करने की कार्यवाही न्यायोचित है ? यदि नहीं तो कर्मकार किस अनुतोष का हकदार है ?”

3. निर्देश न्यायाधिकरण में प्राप्त होने पर रजिस्टर किया गया व पक्षकारों को नोटिस जारी किए गए। दोनों पक्षों की ओर से अपने-अपने अभ्यावेदन प्रस्तुत किए।

3. आज यह प्रकरण वास्ते साक्ष्य श्रमिक नियत है, परन्तु न तो आज स्वयं श्रमिक उपस्थित हुआ है और न कोई अधिकृत प्रतिनिधि ही उपस्थित है। प्रतिपक्षी नियोजक की ओर से भी आज कोई उपस्थित नहीं हुआ है। इस प्रकार प्रार्थी श्रमिक द्वारा अपने स्टेटमेंट आफ क्लेम के समर्थन में कोई साक्ष्य प्रस्तुत नहीं किए जाने से ऐसा प्रतीत होता है कि उसे अपने प्रकरण में कोई रुचि नहीं रही है, अतः इन परिस्थिति में इस प्रकरण में “निवाह रहित अधिनियम” पारित किया जाता है।

इस अधिनियम को भारत सरकार, अम मंत्रालय को नियमानुस एर प्रकाशनाार्थ भिजवाया जाए।

जगदीश प्रसाद, न्यायाधीश

[संख्या एल-41012/98/87-डी.-II (बी)]

का. भा. 3487.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सब डिभिजनल आफिसर (टेलिग्राफ) सबार्धमाधोपुर के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, कोटा के पंचपट की प्रकाशित करती है, जो केन्द्रीय सरकार को 11-12-90 को प्राप्त हुआ था।

S.O. 3487.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Kota as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Sub-Divisional Officer (Telegraph) Sawaimadhopur and their workmen, which was received by the Central Government on 11-12-90.

अनुबंध

न्यायाधीश, औद्योगिक न्यायाधिकरण, कोटा/राज./निर्देश प्रकरण क्रमांक : सी. ग्या. रे. केन्द्रीय -1/1989 दिनांक स्थापित : 1/1/90

प्रसंग : भारत सरकार, अम मंत्रालय का आदेश क्रमांक एल-40012/48/89-डी-2(बी) दिनांक 30/10/89

औद्योगिक विवाद अधिनियम, 1947

मध्य

सुरेश चंद शर्मा द्वारा श्री बिजेन्द्र बिहारी शर्मा, 161 पुरोहित मोहना, भरतपुर।

—प्रार्थी श्रमिक

एवं

सब डिभिजनल आफिसर (टेलिग्राफ) सबार्धमाधोपुर।

—प्रतिपक्षी नियोजक

उपस्थित

श्री जगदीश प्रसाद,
प्रार. एच. जे. एम.

प्राथी श्रमिक की ओर से : कोई उपस्थित नहीं
प्रतिपक्षी नियोजक की ओर से प्रतिनिधि : श्री मोहनसिंह घाणावन
जे. टी. ओ. (टी.) बंदी

अधिनियम विनांक : 28 नवम्बर, 1990

अधिनियम :

भारत सरकार, श्रम मंत्रालय द्वारा निम्न निर्देश औद्योगिक विवाद अधिनियम, 1947 की धारा 10(1)(घ) के अन्तर्गत इस न्यायाधिकरण को अधिनियमार्थ सम्प्रेषित किया गया है :—

“Whether the action of the Sub-Divisional Officer (Telegraph), Swaimadhapur in terminating the services of Shri Suresh Chand, Casual Labour w.e.f. 1-8-87 is justified? If not, what relief the workman is entitled to?”

2. निर्देश न्यायाधिकरण में प्राप्त होने पर दर्ज रजिस्टर किया गया व पक्षकारों को नोटिस जारी किए गए। प्रतिपक्षी नियोजक की ओर से अपनी उपस्थिति दी गयी। प्राथी श्रमिक बाबजू नोटिस सामील के दिनांक 28-8-90 को उपस्थित नहीं आया। तत्पश्चात् आज दिनांक 28/11/90 को भी उपस्थित नहीं है और न उसकी ओर से कोई अधिकृत प्रतिनिधि उपस्थित है, न स्टेटमेंट आफ क्लेम प्रस्तुत किया गया है जिससे ऐसा प्रकट होता है कि प्राथी श्रमिक को इस निर्देश बाबत कोई रुचि नहीं रही है, अतः इन परिस्थितियों में इस प्रकरण में “विवाद रद्द” अधिनियम पारित किया जाता है।

इस अधिनियम को भारत सरकार, श्रम मंत्रालय को नियमानुसार प्रकाशनार्थ भिजवाया जाए।

जगदीश प्रसाद, न्यायाधीश
[संख्या एल-40012/48/89—बी.-II (डी)]

नई दिल्ली, 14 दिसम्बर, 1990

का.प्र. 3488.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्तर्गत में, केन्द्रीय सरकार कनकता पीट ट्रस्ट के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अन्तर्गत में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कनकता के पंचवट को प्रकाशित करनी है, जो केन्द्रीय सरकार को 3-12-90 को प्राप्त हुआ था।

New Delhi, the 14th December, 1990

S.O. 3488.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Calcutta as shown in the annexure, in the industrial dispute between the employers in relation to the management of Calcutta Port Trust and their workmen, which was received by the Central Government on 3-12-90.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

Reference No. 41 of 1988

PARTIES :

Employers in relation to the management of Calcutta Port Trust.

AND

Their workmen.

PRESENT :

Mr. Justice Sukumar Chakravarty...Presiding Officer.

APPEARANCE :

On behalf of Management—Mr. P. Roy, Deputy Labour Advisor and Industrial Relation Officer.

On behalf of Workmen—Mr. P. C. Laha, Assistant Secretary of the Union.

STATE : West Bengal.

INDUSTRY : Port

AWARD

By Order No. L-32012/8/86-D.IV(A) dated 1-5-1987, the Government of India, Ministry of Labour, referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of Calcutta Port Trust in declining to record the date of birth of Shri Ahia Lascar, Medical Ward Attendant of Centenary Hospital, Calcutta Port Trust as 10-6-1936 (on the basis of his school leaving certificate dated 4-11-1956) is justified? If not, to what relief Shri Ahia Lascar entitled?”

2. The case in brief as made out in the written statement by the union espousing the case of the workman concerned, Shri Ahia Lascar is as follows : Shri Ahia Lascar, the concerned workman was first appointed in the Calcutta Port Trust (CPT in brief) against a temporary vacancy of Orderly in the Medical Department on 16-5-1955. Prior to his such temporary appointment he was sent to the Medical Officer of the CPT for certification of his fitness and assessment of his age. The concerned workman informed the Medical Officer that his date of birth was 10th June 1936 as per the School Register and that he could not produce the school leaving certificate in support of his such statement about his age as he was not in possession of the same at that time. The Medical Officer while examining him advised the concerned workman to obtain and produce the school leaving certificate for recording his age. The Medical Officer however did not inform him about the age assessed and recorded by him on his examination. The Medical Officer did not make any clinical test for assessment of his age but he assessed the age only by seeing the physical appearance of the concerned workman.

3. The temporary appointment of the concerned workman against a temporary vacancy got terminated but subsequently the concerned workman was permanently appointed against a permanent vacancy with effect from 6-3-1959.

4. The concerned workman however during the time of his temporary appointment in 1955 submitted school leaving certificate which was accepted by the Medical Department and he was assured that his age as per the school leaving certificate would be duly recorded. A typed copy of the said school leaving certificate has been made Annexure-A to the written statement submitted by the union. The concerned workman was however not informed as to the action taken by the Medical Department on the basis of the said school leaving certificate and on his representations he was informed that his age would be recorded as per the school leaving certificate.

5. The concerned workman after receipt of the service book issued to him came to know that his age was recorded as 22 years at the time of his medical examination on 4-5-1955 and that no action was taken by the Medical Department to correct his age as per the school leaving certificate, although he was assured in this respect.

6. The concerned workman then by his representation dated 21-2-1984 to the Chief Medical Officer of the Medical Department requested him to record his age as per the school leaving certificate. The Chief Medical Officer by his letter dated 21-5-1984 informed the concerned workman that his age as recorded in the service file at the time of his original appointment in CPT could not be altered and that the certificate submitted by him for rectification of his age was not considered as the valid document. The concerned workman then approached the union which took up his cause and the present reference is the outcome of the same, the conciliation attempt having failed.

7. The case in brief as made out by the CPT in their written statement is as follows : The matriculation or school leaving certificate is considered as the valid document for the purpose of ascertaining and recording the correct age of an employer under CPT. In an case any prospective employee is unable to submit such document he is sent prior to his

appointment to the Medical Officer of CPT alongwith a G-53 form in certificate and for assessment of his age.

8. The concerned workman Shri Ahia Lascar was first appointed on 16-5-1955 in the Medical Department of CPT as an orderly against the leave vacancy. Prior to his such temporary appointment he could not produce any documentary evidence in support of his age and accordingly he was sent to the Medical Officer of the CPT for assessment of his age and for examination of his fitness. The concerned workman was medically examined on 4-5-1955 and the Medical Officer declared him fit and assessed his age as 22 years on 4-5-1955. The concerned workman was then temporarily appointed and subsequently he was appointed against a permanent vacancy in the Medical Department with effect from 6-3-1959. Even at the time of his permanent appointment, the concerned workman could not produce any valid documentary evidence in support of his age. Accordingly the age of the concerned workman was recorded in his service book as 22 years on 4-5-1955 as per the assessment of the Medical Officer already made in this respect.

9. The concerned workman inspite of the receipt of the service book containing his age as assessed by the Medical Officer did not raise any objection till 21-2-1984 when he for the first time made a representation for rectification of his age on the basis of a copy of the alleged school leaving certificate. The CPT has denied that the concerned workman produced any original school leaving certificate in 1955 or thereafter. The Medical Department of the CPT refused to take any action on the unattested and unsigned typed copy of the alleged school leaving certificate produced by the concerned workman and the concerned workman was accordingly informed by the letter of the Chief Medical Officer. According to the CPT the said school leaving certificate having not been original and having not been signed and attested was not at all a valid document for consideration. It has been further contended by the CPT that as per note-5 of the F.R. 56 no request for alteration of the date of birth after 5 years of entry in the service can be entertained. It has been further contended that in the alleged school leaving certificate the name of the concerned workman and his father's name are different from the actual name of the concerned workman and his father's actual name as recorded in the service book. According to the CPT in the absence of the original school leaving certificate, or any other documentary evidence showing the age of the concerned workman, the Medical Officer of the CPT rightly assessed the age of the concerned workman and the age so recorded in the service book on such assessment cannot be altered. The claim of the concerned workman for recording his date of birth as 10-6-1936 accordingly cannot be accepted and CPT has been justified in declining to record such alleged date of birth.

10. Both parties have adduced evidence oral and documentary and have made their submissions in support of their respective cases.

11. It is an undisputed fact that before the appointment of the concerned workman against the permanent vacancy in 1959, he was first temporarily appointed against the temporary vacancy on 16-5-1955 and till before his permanent appointment he was temporarily appointed on several occasions. It is also an undisputed fact that at the time of the first temporary appointment on 16-5-1955, the concerned workman could not produce any documentary evidence including the school leaving certificate in support of his age and that the concerned workman was sent to the Medical Officer who assessed his age as 22 years on 4-5-1955 before his such temporary appointment and that the said age was allowed to be recorded in the service book and other official records of the concerned workman. The concerned workman has however taken up the plea that at the time of his first appointment in May, 1955 he declared that his date of birth was 10-6-1936 before the Medical Officer and that he could not produce the school leaving certificate at that time. The concerned workman has further taken up the plea that till before the receipt of the service book in 1959 he was not aware that his age was recorded as 22 years on 4-5-1955 and that after being aware of the same he made oral representation to the concerned official in the Medical Department of CPT for correction of his age in accordance with the school leaving certificate submitted by him on

4-11-1956. The concerned official of the CPT assured him that necessary correction would be made but actually it was not so done and finally on written representation by the concerned workman in 1984 the employer CPT expressed their inability to correct his age on the basis of the invalid school leaving certificate.

12. The Union sponsoring the case of the concerned workman has clearly submitted in their written statement in paragraph 2 that at the time of his first appointment in May, 1955, the concerned workman could not produce the school leaving certificate in support of his date of birth as declared by him as 10th June 1936 as he was not in possession of the school leaving certificate at that time. The similar statement has also been made by the Union again in paragraph 17 of their written statement. In paragraph 18 of the written statement the Union has categorically stated that the concerned workman received the school leaving certificate on 4-11-1956.

13. The CPT in their written statement has denied that the concerned workman submitted the school leaving certificate either at the time of his first appointment in May, 1955 or at the time of his successive temporary appointments or at the time of his permanent appointment in 1959.

14. The copy of the alleged school leaving certificate has been marked as Ext. W-3 on the side of the Union and Ext. M-3/1 on the side of the CPT. The said copies of the school leaving certificate are not attested and are not signed by any responsible person. The copy of the school leaving certificate Ext. M-3/1 appears to be the xerox and it bears the date 4-11-1955. The copy of the school leaving certificate Ext. W-3 appears to be the typed copy which bears the date 4-11-1955 after penning through the typed figure 1956. Be that as it may, it is an undisputed fact that no school leaving certificate could be produced at the time of the first temporary appointment of the concerned workman in May, 1955, it may be that the school leaving certificate might have been submitted to the CPT subsequently. The question is when and whether the original school leaving certificate was at all produced before the CPT.

15. It is an undisputed fact that on 21-2-1984 the concerned workman Ahia Lascar made a representation Ext. M-3 (Correspondence Ext. M-5) to the Chief Medical Officer for correction of his date of birth from 4th May, 1933 to 10th June, 1936 by making the specific allegation that he submitted his school leaving certificate at the time of his recruitment in the department and that at the same time his date of birth was mentioned as 10th June, 1936. The Chief Medical Officer of the CPT by his letter dated 21-5-1984 Ext. W-6 in reply to the concerned workman's representation Ext. W-5 has observed as follows "The above-named is informed that the age as recorded in his service file at the time of his recruitment in the CPT cannot be altered. The document submitted by him is not considered as valid document as per rule. Hence the age as recorded in service sheet will stand." No where in the said letter Ext. W-6 of the Chief Medical Officer it has been stated that the concerned workman did not produce the school leaving certificate at the time of his recruitment, may be before, after May, 1955 or at the time of his permanent recruitment. Of course it has been stated that the document submitted by him has not been considered as the valid document as per rule. The concerned workman by his letter dated 4-8-1988 Ext. W-1 to the Chief Medical Officer demanded back his original school leaving certificate which according to him was deposited in the year 1955 and which was lying in the Office of the Chief Medical Officer. The Chief Medical Officer in reply to the said letter by his letter dated 16th August, 1988 Ext. W-2 has informed the concerned workman as follows : "The above named is informed that his original school leaving certificate was deposited by him in 1955. As per records it is detected that only a copy of the certificate was deposited. As such the question of returning the same does not arise."

16. It may be mentioned here that although it was denied by the Chief Medical Officer of the CPT that original school leaving certificate was not deposited by the concerned workman in 1955 but it has been admitted that a copy of the

school leaving certificate has been detected in the office record. It has however not been stated in the said letter when the said copy of the certificate was deposited by the concerned workman. According to the CPT the copy of the school leaving certificate Ext. M-3/1 (corresponding to Ext. W-3) is the said copy of the certificate which was detected in the office record of the Medical Department of the CPT. In the absence of clear-cut categorical statement in the Chief Medical Officer's letter as to the time when the said copy of the school leaving certificate Ext. M-3/1 (corresponding to Ext. W-3) was received in the office of the Medical Department of the CPT and in the absence of any specific statement in the written statement submitted by CPT as to the time when the said copy of the school leaving certificate was received in the Medical Department of the CPT. I have no other alternative but to accept the evidence of WW-1 (the concerned workman) that such copy of the school leaving certificate was deposited by him either at the time of his subsequent temporary appointment after his first temporary appointment in May, 1955 or at the time of his permanent appointment in 1959. The statement of the Union in their written statement to the effect that the concerned workman received the school leaving certificate on 4.11.1956 rather supports my such finding.

17. MW-1 Gautam Mukherjee who has been working since January, 1983 has stated in his evidence that he came to learn from the office records that the concerned workman merely produced a typed copy of the school leaving certificate Ext. M-3/1 alongwith his representation dated 21-2-1984 Ext. M-3. It may be mentioned here that the representation dated 21-2-1984 Ext. M-3 of the concerned workman does not give any indication that any copy of the school leaving certificate was enclosed therewith by the concerned workman. Such being the position, I cannot but hold that at least the copy of the school leaving certificate Ext. M-3/1 (corresponding to Ext. W-3) was deposited by the concerned workman long before 1984 and perhaps within 5 years of his appointment either temporary or permanent.

18. Now the question is whether the concerned workman merely deposited the copy of the school leaving certificate or he deposited the original school leaving certificate alongwith a copy thereof and whether the CPT was under any obligation to reconsider the date of birth of the concerned workman on the basis of such certificate.

19. The CPT no doubt has stated in the written statement and also in the evidence through MW-1 Shri Mukherjee that the concerned workman did not submitted any original school leaving certificate. MW-1 Shri Mukherjee has however admitted in his deposition that when a workman produces age-certificate he is required to produce the original certificate alongwith the duplicate thereof. It has already been shown that the CPT received the typed copy of the school leaving certificate Ext. M-3/1 (corresponding to Ext. W-3) long before the workman's representation dated 21-2-1984. The CPT however never informed before their letter dated 16th August 1988 Ext. W-2 that concerned workman did not deposit the original school leaving certificate. It has already been shown that CPT in reply to the concerned workman's representation dated 21-2-1984 Ext. W-1 informed the concerned workman by their letter dated 21-5-1984 Ext. W-6 by saying that the document submitted by him was not considered as valid document as per rule. In the said letter also the CPT did not mention that the concerned workman had not deposited original school leaving certificate. The concerned workman WW-1 has said on oath in his evidence that he submitted the original school leaving certificate alongwith a copy thereof in the Medical Department of the CPT. MW-1 Shri Mukherjee is the Personnel Officer of the Labour Department of the CPT. Neither the Chief Medical Officer nor any other official of the Medical Department of the CPT has come to the Tribunal to deny on oath that the concerned workman submitted the original school leaving certificate. On due consideration of all the materials in the record and the evidence so adduced by both sides, I am constrained to hold that the concerned workman deposited also the original school leaving certificate alongwith a copy thereof in the Medical Department of the CPT. It may be

that the said original school leaving certificate has been misplaced in the Medical Department of the CPT.

20. Be that as it may, the question now is whether the CPT was under any obligation to rectify the date of birth of the concerned workman on the basis of the copy of the school leaving certificate Ext. M-3/1 (corresponding to Ext. W-3). It has already been shown that the said certificate was deposited by the concerned workman either in 1956 or in any way within 5 years from his appointment in the CPT. So in terms of the note 5 of the F.R. 56 as quoted in paragraph 10 of the written statement of the CPT, the CPT is required under this rule to consider such certificate for rectification of the date of birth of the concerned workman provided the said certificate is found to be genuine and valid.

21. Here the question comes for consideration whether the said certificate Ext. M-3/1 (corresponding to Ext. W-3) can be accepted and acted upon as the valid document. The CPT in their written statement has categorically challenged the genuineness and validity of such certificate. Mention may be made here that the Chief Medical Officer of the CPT in his letter dated 21-5-1984 Ext. W-6 to the concerned workman has also clearly stated that the school leaving certificate as produced by the concerned workman was not considered as the valid document. I have given due consideration to the copy of the school leaving certificate Ext. M-3/1 (corresponding to Ext. W-3). It appears therefrom that it is not like the school leaving certificate as is generally issued by the appropriate authority namely, the Head Master of the school. The form of the certificate Ext. M-3/1 (corresponding to Ext. W-3) appears to be different. This I say from my judicial experience. The following lines in the aforesaid school leaving certificate about the character of the student, which generally are not found in the prescribed form of the school leaving certificate: "He comes of a respectable Muslim family and bears a good moral character to the best of my knowledge and information." The other portions in the aforesaid certificate appear to be in usual form as is used by the school authority. The CPT has challenged the aforesaid certificate by saying that the said certificate is not in the prescribed form as is generally used by the school authority. I find substance in their statement.

22. The CPT has challenged the validity of the aforesaid school leaving certificate on two other material grounds. According to the CPT the name of the concerned workman and his father's name have not been correctly mentioned in the school leaving certificate and as such the concerned workman has used some other's certificate as his own certificate. The name of the concerned workman as per his evidence before this Tribunal is Md. Ahia Lascar and his father's name is Ajahar Ahmed Lascar. The school leaving certificate Ext. M-3/1 (corresponding to Ext. W-3) has described the concerned workman's name as Md. Yahia Lascar alias Ahia and his father's name as Janab Ajahar Ali Lascar. Nowhere either in the written statement of the Union or in the evidence of the concerned workman WW-1 it has been stated that the name of the concerned workman is also Yahia Lascar and that his father's name is also Janab Ajahar Ali Lascar. The Union has not brought any other close relation of the concerned workman or any of his neighbours to say that the concerned workman is also known as Yahia Lascar and that his father's name was also Janab Ajahar Ali Lascar. The concerned workman and his Union has not taken any steps to reconcile such discrepancy in his name as mentioned in the school leaving certificate. It also appears as a surprise why the name "Ahia" has been mentioned as alias name in the school leaving certificate after the name "Md. Yahia Lascar" because generally in the admission register of the school, only one name of the student concerned is expected to be recorded.

23. On due consideration of the aforesaid facts I cannot but hold that the school leaving certificate Ext. M-3/1 (corresponding to Ext. W-3) does not appear to be a valid document and does not appear to relate to the workman concerned so that it can be acted upon by the CPT. Such being the position, I find that the CPT has not been un-

justified in declining to record the date of birth of the concerned workman on the basis of such school leaving certificate.

24. It is true that as per the aforesaid school leaving certificate the date of birth of the concerned workman is 10-6-1936. It has already been shown that the said school leaving certificate cannot be acted upon because of the inherent defect therein and because of its invalidity. The union has not given any other evidence as regards the date of birth of the concerned workman excepting the evidence of the concerned workman (WW-1) himself. The competent witnesses in this respect were either the parents of the concerned workman or any other close relation of the workman who knew about the birth of the concerned workman. The union has not examined any such competent witness. The union could have produced the birth register of the concerned workman and could have called for the admission register of the school concerned to show the date of birth of the concerned workman before this Tribunal but the union has not taken any such steps and has urged the Tribunal to give the award on the basis of the aforesaid school leaving certificate. Mention may be made here that as per the Vasectomy Operation Card of the concerned workman Ext. M-2, the concerned workman declared his age as 37 in 1972 thereby giving a go-by to his declaration that his date of birth was in June 1936.

25. It is an undisputed fact that at the time of the first appointment of the concerned workman in May 1955 the age of the concerned workman was assessed as 22 years on 4-5-1955 by the Medical Officer of the CPT as the concerned workman could not produce any documentary evidence in support of his age. So as per the assessment of the age by the Medical Officer at that time, the date of birth of the concerned workman stands at 4-5-1933 and the same was recorded in the service sheet Ext. M-1 and service book Ext. W-4. In the absence of any other acceptable evidence, I find no other alternative but to accept the said date of birth of the concerned workman as assessed by the Medical Officer of the CPT.

26. Having considered all the facts and circumstances and the materials in the record, I find that the CPT has been justified in declining to record the age of the concerned workman as 10-6-1936 on the basis of the school leaving certificate as produced by the concerned workman.

This is my Award.

Date, Calcutta,

The 22nd November, 1990.

SUKUMAR CHAKRAVARTY, Presiding Officer
[No. L-32012/8/86-D.IV(A)]

का. आ. 3489.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वय में, केन्द्रीय सरकार हिन्दुस्तान पेट्रोलियम कार्पोरेशन लिमिटेड के प्रबन्धन के संबंध में निम्नलिखित आदेशों और उनके कर्मचारियों के बीच, अन्वय में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1, बम्बई के पंचवट को प्रकाशित करती है, जो केन्द्रीय सरकार का 30-11-90 को प्राप्त हुआ था।

S.O. 3489.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 1 Bombay as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Hindustan Petroleum Corpn. Ltd., and their workmen, which was received by the Central Government on 30-11-90.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL NO. 1 AT BOMBAY

(Presiding Officer, Justice S. N. Khatri)
Reference No. CGIT-22 of 1987

PARTIES :

Employers in relation to the Management of Hindustan Petroleum Corporation Limited.

AND

Their Workmen

APPEARANCES :

For the Management.—Shri P. M. Palshikar, Advocate.

For the Workmen.—Shri M. B. Anchan, Advocate.

INDUSTRY : Petroleum

STATE : Bombay.

Bombay, dated 20th November, 1990

AWARD-PART-I

The Central Government has referred the following industrial dispute to this Tribunal for adjudication under section 10 of the Industrial Disputes Act, 1947.

"Whether the action of the management of Hindustan Petroleum Corporation Limited, Bombay in discharging Shri Yogendra Singh Choudhary w.e.f. 31-1-86 is justified? If not, what relief is the workman entitled to?"

This part of the Award disposes of the preliminary issue as to the validity of the domestic enquiry.

2. Admittedly Yogendra Singh (hereinafter 'the workman') had been working as a Heavy Vehicle Driver in the employ of Hindustan Petroleum Corporation Limited, Kota, (hereinafter 'the management') since December 1981. He was issued two chargesheets both dated 17-6-85 by the Senior Regional Manager K. R. Bijlani for his involvement in two incidents dated 9-5-85 and 13-5-85. The misconduct relating to the first incident was that the unauthorisedly handed over a tanker carrying petroleum products of the management, to one Shammi who drove the tanker and handed over the products to a retail outlet dealer. The allegations regarding the second incident were that on 13-5-85 the workman assaulted one Maneswari, Partner of a firm M/s. Raj & Company, with a motor cycle chain. The Worker denied the charges. Bijlani had in the beginning appointed one Mathur as the Enquiry Officer and Chakravarti as the Presiding Officer. Later on he substituted Tandon as Enquiry Officer and Mathur as Presiding Officer. It appears that these changes became necessary, because Chakravarti was to be examined as a witness by the management. The management examined three witnesses relating to the first incident and four relating to the second. The Workman was found guilty on both counts. By his order dated 26th January, 1986, the General Manager, Supply, Operations and Distribution, discharged the Workman from service with effect from 31-1-86. The appeal preferred by him to the Chairman was dismissed on 14-2-86. Now the Workman challenges the validity of the domestic enquiry on the following grounds.

- (i) Bijlani did not have the power to issue the chargesheets to the Workman as he is not the competent authority;
- (ii) The Workman was denied reasonable opportunity to defend himself through a colleague of his own choice; and
- (iii) Tandon and Mathur bore Bias against him.

3. The Workman has filed his affidavit in support of his contentions. Tandon has filed his in rebuttal, on behalf of the Management. Both were cross-examined by other side. The learned Advocates of both sides have filed their written arguments. These were supplemented by oral submissions.

4. The Management have filed the power of attorney dated 1-6-84 executed by Bagai, Director, Marketing, in favour of Bijlani, Senior Manager. Its preamble states that the Corporation had executed an earlier power of attorney in favour of the said Bagai to act for them in all matters. One of the powers granted to Bagai was to appoint substitutes for himself, as he may deem fit. In exercise of his power, by the aforesaid power of attorney dated 1-6-84 Bagai authorised Bijlani, to appoint, fix compensation of,

promote, supervise, determine power and duties, suspend and discharge employees'. It is thus clear that Bijani had power even to discharge the present Workman and all ancillary powers, including initiating the inquiry and issuing the chargesheet. The maxim that a delegate cannot again redelegate his powers is not applicable here, for the simple reason that 'under the original power of attorney executed by the corporation, Bagar had the power to appoint his substitutes. Thus there is no substance in the Workman's contention that Bijani had no power to issue the chargesheets to him.

5. There is no substance in the contention of the Workman that he was not given any opportunity to defend himself effectively or to be assisted by a colleague or his own choice. It is to be noted that after receiving the Workman's explanation, Bijani issued a letter to the Workman dated 1-10-85, that his explanation was not found satisfactory, and as such it was decided to institute an enquiry on the two charges. In this letter the Workman was specifically informed that he would be entitled to cross-examine witnesses of the Management and produce his own evidence. He was further told that he could avail himself of the assistance of any co-worker, and that the enquiry would commence on 18th October, 1985. The Workman did not file any application before the enquiry officer, seeking assistance of any particular person. Tandon denies that any such request was made by him even orally. On this state of evidence it is not possible for me to hold that the Workman was denied reasonable opportunity to defend himself, including the facility to be assisted by a person of his choice.

6. There is no evidence on record to prove that Tandon and/or Mathur had any bias against the Workman. The Workman's word is rebutted by Tandon on oath. Indeed so far as Mathur is concerned the Workman's say is that he would have got a lenient punishment had Mathur worked as the Enquiry Officer. This is hardly consistent with his grievance of bias. Without dilating further, I hold that bias is not proved against either of the two officers. I also find no substance in his grievance that these two officers tried to persuade him to admit the charges.

7. The Workman has failed to prove that there was any violation of principles of natural justice and that it has prejudiced his defence on merits. The enquiry is thus not vitiated on this ground. In now fix up the matter for directions for disposal on merits on 27-12-90

S. N. KHATRI, Presiding Officer

[No. L-30012/7/86-D.III(B)]

K. V. B. UNNY, Desk Officer

नई दिल्ली, 4 दिसम्बर, 1990

का.आ. 3490—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसूचन में केन्द्रीय सरकार जे० के० मिनरल्स लि० जम्मू/कालाकोट के प्रबंधन के संबंध विवादों और उनके कर्मचारों के बीच अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चण्डोग के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार 4-12-90 को प्राप्त हुआ था।

New Delhi, the 4th December, 1990

S.O. 3490.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of J. K. Minerals Ltd. Jammu/Kalakot

and their workmen, which was received by the Central Government on the 4-12-1990.

ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING OFFICER,
CENTRAL GOVERNMENT, INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, CHANDIGARH

Case No. I.D. 107/89

Employers in relation to the management of M/s.
J&K Minerals Ltd.

AND

Their workman—A. S. Chauhan.

For the workman—Shri K. R. Khajuria.

For the management—None.

AWARD

(Central Government vide gazette notification No. L-22012-(171)/88-D.IV.B dated 21st July 1989 issued U/s. 10(1)(d) of the I.D. Act 1947 referred the following dispute to this Tribunal for decision on a dispute raised by A. S. Chauhan :

"Whether the action of the management of M/s. J. K. Minerals Ltd. Jammu/Kalakot in transferring Shri A. S. Chauhan, General Secretary Bharti Coal Khan Mazdoor Union for his union activities from Kalakot (Jammu) to Srinagar, is justified? If not, to what relief the workman concerned is entitled?"

2. Representative of the workman Shri K. R. Khajuria has made a statement that the claim of the workman has been settled and he does not want to pursue with the present reference any more and thus a no dispute award may be sent to the Ministry. In view of the statement made by Shri K. R. Khajuria rep. of the workman a No Dispute Award is returned.

Chandigarh.

13-9-1990.

ARVIND KUMAR, Presiding Officer.

[No. L-221012(171)/88-D.IV.B]

का.आ. 3491—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूचन में केन्द्रीय सरकार, टोप्सी कोलियरी प्रा०. मै. ई.सी.लि. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, आसनसोल के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-11-90 को प्राप्त हुआ था।

S.O. 3491.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Asansol-4 as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Topsis Colliery of M/s. E. C. Ltd. and their workmen, which was received by the Central Government on the 29-11-1990.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL ASANSOL

REFERENCE NO. 30/90

PRESENT :

Shri N. K. Saha—Presiding Officer.

PARTIES :

Employers in relation to the management of Topsis
Colliery of M/s E. C. Ltd.

AND

Their workman.

APPEARANCES :

For the Employers--Smt P. Banerjee, Advocate.

For the Workman--Shri M. Mukherjee, Advocate.

INDUSTRY : Coal. STATE : West Bengal

Dated, the 19th November, 1990.

AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. L-22012(57)/90-IR(C.II) dated the 16th July, 1990.

SCHEDULE

"Whether the action of the management of Toposi Colliery of M/s. F.C. Ltd., P.O. Toposi, Distt. Burdwan in dismissing Smt. Ch. Maku Mejhain, Wagon Loader w.e.f. 14/16-9-87 is justified? If not to what relief the concerned workman is entitled?"

2. During the pendency of the case, to-day (19-11-90) both the parties filed a joint petition of compromise duly signed by them with a prayer to make an award in terms of the settlement.

3. I have gone through the terms of settlement. I find them quite fair and reasonable. Accordingly the award is passed in terms of the settlement.

4. The terms of settlement shall form part of the award.

N. K. SAHA, Presiding Officer.

[No. L-22012(57)/90-IR(C.II)]

FORM : 'H'

Name of the parties :

Sri G. R. Singh,
Dy. Chief Personnel Manager.

Kunustoria Area, E.C. Ltd.
P.O. Toposi, Dt. Burdwan.

Representative of the
Workman :

Sri C. S. Banerjee,
General Secretary,
CMU (INTUC)
Cinema Road, Ukhra
Smt. Ch. Maku Mejhain
Workman concern.

SHORT RECITAL OF THE CASE

Smt Ch. Maku Mejhain, Ex-Wagon Loader of Toposi Colliery was dismissed on the misconduct of un-authorised absenteeism vide letter No. A. KNT/PAIR/26B/8064 dated 16-9-87 after proper enquiry into the chargesheet issued to her for the above misconduct.

Sri C. S. Banerjee, General Secretary, CMU (INTUC) represented to the management for the re-instatement of Smt. Ch. Maku Mejhain. On the request of the union the matter was discussed at different level and after prolonged discussion the competent authority has approved the re-instatement of Smt. Ch. Maku Mejhain which has been communicated vide letter No. ECL/CMD/C-6E/14/586 dated 23-25th Oct. '89 on the following terms and conditions :-

- 1 Smt. Ch. Maku Mejhain, Ex-Wagon Loader will be re-instated as Casual Wagon Loader and her performance shall be watched for one year and in case she put in 240 days physical attendance during one year period then she can be declared permanent Wagon Loader and the continuity of service could be granted to her at that stage.

2. That the period of idleness from the date of dismissal to the date of resumption of duty shall be treated as dies-non and no back wages shall be paid for the period of idleness.

4. Smt. Ch. Maku Mejhain will be posted at Parasea O.C.P.

Representing the workmen

Representing the employer

- 1 Sri C. S. Banerjee
General Secretary
CMU (INTUC)
Cinema Road, Ukhra.
1. Sri G. P. Singh
Dy. Chief Personnel Manager
Kunustoria Area, E.C. Ltd.
P.O. : Toposi, Dt. Burdwan.
2. Smt. Ch. Maku Mejhain
Workman concern.

2. Smt. R. Rathore
Dy. Personnel Manager (IR) Kunustoria Area, E.C. Ltd.,

नई दिल्ली, 6 दिसम्बर, 1990

का.आ 3492.-श्रीयोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूचना में, केन्द्रीय सरकार जनरल मैनेजर सोहागपुर एरिया, आफ एस.ई.सी. लि. पोस्ट धनपुरी, जिला शहडोल के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निश्चित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक प्रतिक्रिया, जबलपुर (म. प्र.) के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-12-90 को प्राप्त हुआ था।

New Delhi, the 6th December, 1990

S.O. 3492.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur (M.P.) as shown in the Annexure, in the industrial dispute between the employers in relation to the management of General Manager, Sohagpur Area of S.E.C. Ltd. Post Dhanpuri Distt. Shahdol and their workmen, which was received by the Central Government on the 4-12-90.

ANNEXURE

BEFORE SHRI V. N. SHUKLA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, JABALPUR (M.P.)

1. Case No. CGIT/LC(R)(79)/1987

Employer in relation to Chachai & Rungta Mines of SEC Ltd., P.O. Amlai, Colliery, District Shahdol (M.P.) and their workman Shri Ramakant Dwivedi, Grade III Wages Clerk of SC Rungta Colliery represented through the Secretary, Koyla Shramik Sangh (CITU), Sohagpur Area, P.O. Dhanpuri, Distt. Shahdol (M.P.).

2. Case No. CGIT/LC(R)(128)/1987

Employer in relation to Sohagpur Area of SEC Ltd., P.O. Dhanpuri, Distt. Shahdol (M.P.) and their workman, Shri by the M.P.K.S.S. (CITU), Sohagpur Area, P.O. Dhanpuri, Motilal Shukla, Grade II Clerk of Rungta Colliery, represented Distt. Shahdol (M.P.).

APPEARANCES :

For Workmen : Shri R. C. Srivastava,

Advocate.

For Management : Shri R. Menon, Advocate.

INDUSTRY : Coal Mining : DISTRICT : Shahdol (M.P.)

AWARD

Dated : November 19th, 1990

These are two references made by the Central Government in the Ministry of Labour vide its Notification No. L-21012/61/36-D.III(B) Dated 2-6-1987 and No. L-21012/23/87-D.III(B) Dated 7-7-1987 (registered as Case No. 79/87 and 128/87 respectively) for adjudication of the following dispute :-

1. Case No. CGIT/LC(R)(79)/1979

SCHEDULE

"Whether the dismissal from services of Shri Ramakant Dwivedi, Grade III Wages Clerk of SC Rungta Colliery with effect from 22nd November, 1985 by the General Manager, Sohagpur Area, Post Dhanpuri, Distt. Shahdol, vide letter No. PD/131/85/270 dated 22-11-1985 is justified? If not, what relief is the workman entitled to?"

2. CASE NO. CGIT/LC(R)(128)/1987

SCHEDULE

"Whether the dismissal of Shri Motilal Shukla Grade II Clerk of Rungta Colliery by the General Manager, Sohagpur Area of S.E.C. Ltd., Post Dhanpuri, Distt. Shahdol vide letter Number PD/85/131/271 dated 22-11-1985 is justified? If not, to what relief the workman is entitled for?"

2. This award shall dispose of both the above references which have been consolidated by my predecessor for recording evidence vide proceedings dated 17-2-1988 in Case No. 79/87.

3. At the outset I must point out that my learned predecessor vide his order dated 20-1-1988 in both these reference cases has held that the enquiry is vitiated and directed the parties to lead evidence on the matter of misconduct of both these workmen concerned.

4. Both the cases having common pleadings and issues I will deal with them together.

5. Undisputed facts of the case are that Shri R. K. Dwivedi was Grade III Wage Clerk of S. C. Rungta Colliery and his services were terminated with effect from 22nd November, 1985 by the General Manager, Sohagpur Area and the services of Motilal Shukla, Grade II Clerk of Rungta Colliery by the General Manager of Sohagpur Area of S.E.C. Ltd. with effect from 22nd November, 1985.

The following charges were framed against the workmen S/Shri R. K. Dwivedi and Motilal Shukla:—

CHARGE-SHEET

"On 10-3-1985 at about 9.30 A.M. Shri G. N. Verma, Agent of SC Rungta Colliery was coming out of Manager's Office after discussion with Shri L.M. Tiwari, Colliery Manager and other worker/workers representative about late payment to workers.

Both of you were abusing and shouting at the top of voice—

"बहन चांद बर्मा और तिवाड़ी को जान मे मार दूंगा—ये हमारे यूनिन नोइ रहते हैं—ओवर टाइम मे काम नहीं करावेगें—बर्मा पेमेंट लेट करवाता है"

You were inciting other workers that Sri Verma is personally responsible for late wages payment to workers and when Sri Verma was stopping down the stair both of you ran towards him with violent and disorderly mood to catch him and manhandle and assault him and Sri Verma had to run to save himself upto jeep. Both of you then prevented the movement of jeep for sometime ran raised your hands with intention of assault but some loyal workers/staff prevented actual manhandling and assault. You created a riotous scene in Manager's Office premises.

The above acts of your amount to misconduct as defined in certified standing order applicable to you under provision of section 22(5) which reads as under :—

22(5) 'Drunkness, fighting, riotous, disorderly or indecent behaviour.'

22(20) 'Threatening & abusing any of his superior staff.'

You are hereby asked to explain in writing within 72 hrs. of receipt of this letter as to why disciplinary action including dismissal should not be taken against you. Should you fail to submit your reply within the stipulated time, it would be presumed that you do not have any explanation

to offer and you accept the charges in toto and the matter will be dealt with and will be disposed of without any further reference to you."

6. As per case of the workmen they had not committed the alleged misconduct. They raised various points challenging the departmental enquiry which are not necessary for me to deal with at this stage because the enquiry has already been vitiated against both these Workman. The workmen pleaded that even otherwise also the punishment is too severe. Their prayer is that they are entitled to reinstatement with back wages and consequential reliefs.

7. According to the management, the workmen have committed the aforesaid misconduct. The same has not only been proved in the departmental enquiry held in accordance with law but they have been rightly dismissed. The management further prayed that in case it is held that the D.E. is vitiated it may be permitted to lead evidence. The reference is therefore liable to be rejected.

8. Following issues were framed in both the cases by my learned predecessor and my findings against each of them are recorded below :—

ISSUES

1. Whether the domestic/departmental enquiry is proper and legal?
2. Whether the punishment awarded is proper and legal?
3. Whether the management is entitled to lead evidence before this Tribunal?
4. Whether the termination/action taken against the workmen is justified on the facts of the case?
5. Relief and costs.

REASONS FOR MY FINDINGS :

9. So far the question of Issue Nos. 1 and 3 is concerned, my learned predecessor vide his order dated 20-1-1988 has already held that the enquiry is vitiated and directed the parties to adduce evidence and the evidence was accordingly recorded. Issue Nos. 1 & 3 are answered accordingly.

10. Issue Nos. 2, 4 & 5.—I will take up all these issues together. Management has examined Hiralal, Loading Inspector as M.W.1, Barkat Khan, Peon of the Manager's office as M.W. 2, Lalita Prasad, Senior Under Manager as M.W. 3, Gajendra Nath Verma, Sub-Area Manager, complainant himself as M.W. 4 and the workmen have examined R. K. Dwivedi as W.W. 1 and Mohd. Salam, Driver as W.W. 2.

11. Facts relating to misconduct have already been given in detail while reproducing the chargesheet above.

12. The incident is said to be of 10.3.1985 which took place at about 9.30 A.M. when Shri R. N. Verma, Agent of S. C. Rungta Colliery was coming out from the Manager's Office after discussion with Shri L. M. Tiwari, Colliery Manager and other worker/workers representative about late payment to workers. First I will take up the testimony of M.W. 4, R. N. Verma. According to him, at about 9.30 A.M. on 10-3-1985 he went to the office of the Rungta Colliery Manager because according to him, the clerks of the said Colliery were not preparing the payment bills since last 3-4 months in time. After having discussions with Shri Tiwari, Manager, he came to the office Verandah. He found that R. K. Dwivedi came and stood before him stating that he had to talk with him.

13. G. N. Verma stated that at this stage he is not in a position to talk with him. The workman Dwivedi started shouting loudly and abusing him by calling bad names to him. He also said that he may be beaten. He saw that 10-15 workmen were standing there. Noticing this, he rushed towards his Jeep and sat inside it. At this time Motilal Shukla came in front of him, caught hold of him and tried to pull him out of Jeep. The driver started the Jeep. At this time, R. K. Dwivedi tried to get inside the Jeep from behind and Motilal Shukla tried to stop the Jeep from the side but the driver took him away from the main gate and these persons kept shouting calling him bad names. This witness says that thereafter he lodged the report in the Police Station House and the police came to the spot. His testimony has been corroborated by M.W. 1, Hiralal, in

material particulars. However, M.W. 2, Barkat Khan and W.W. 2 Mohd. Salam who was the driver of the Jeep at the relevant time have not supported the testimony of G. N. Verma (M.W. 4) W.W. 2 Mohd. Salam was certainly the most important and undisputable witness of the incident. He has straightway denied that any such incident has taken place and thus rooted out the case of the management.

14. Before coming to a right conclusion, the following facts which have come out in evidence have to be kept in mind.

(i) The workmen concerned were leaders of the Union, M.P.K.S.S. at the relevant time. R. K. Dwivedi was the Secretary and Motilal was the President. The testimony of R. K. Dwivedi has not been challenged by any of the witnesses of the management in this regard.

(ii) The workmen were annoyed because they were not getting wages in time for last number of months and these Union leaders were on way to fight for the wages of the workmen.

15. That apart, this fact has also to be kept in mind that according to M.W. 4, G. N. Verma, the police has not taken notice of the report of G. N. Verma and no action was taken against the workmen concerned. This witness is not even able to say as to who was the Jeep Driver at this time. He could not say whether the office Guard tried to save him. He could, however, not deny in the last para of the cross-examination that Mohd. Salam may have been the Driver of the Jeep at the relevant time. Ultimately, he admitted that he was the Driver of the Jeep.

16. The fact that this witness was first avoiding to give out the name of the Jeep Driver, then he could not deny the name of the Driver of the Jeep and ultimately he could remember the name of the Jeep Driver viz. Mohd. Salam, when he was shown to him reveals that this witness is not a straight forward witness. The conduct of this witness is also not beyond suspicion. He admits that C.I.T.U. Union had lodged a complaint against D. L. Agarwal of the Rungta Colliery in the Ministry to the effect that he had made payment by marking false presence and enquiry was held and he was even punished. This witness was suggested that he was also given a warning in this case but he has denied this fact.

17. This fact has also to be noted that this witness had no control over his clerks inasmuch as the payment to the workmen was not made for last 3-4 months in time because the clerks were not preparing bills in time (para 2 of his statement). If the clerk is not preparing the bills for last 3-4 months in time he should have taken action against the clerk concerned and if the leaders of the union were somewhat annoyed by these types of conduct of the management nothing much can be said against them. Even Hiralal (M.W. 1) is not a straight forward man. He first said that he does not know whether these workmen are office bearers of the CITU Union but he admitted this fact in a round about way. He admits that 30-40 persons were standing near the office of Shri Tiwari on that date and there was a noise in the office because the payment was not being made to the workers. He admits that there were 3-4 persons working in the Weigh Bridge on that date. None of these persons have been examined.

18. According to this witness, he saw the incident from a distance of about 50-60 Ft. According to him, because the people had prevented the workmen concerned he did not go near the Jeep to protect G. N. Verma, while G. N. Verma does not say anything in this regard. He admits that Shri Verma or the Driver did not raise any voice for help. He admits that 3-4 persons were near the Jeep. If these persons were to assault Shri Verma they could very well assaulted him in the above circumstances. Hiralal has even gone out to say that the workman, Motilal Shukla, tried to catch hold of Sri Verma but even this fact has not been narrated by Shri G. N. Verma. Apparently there appears to be something fishy about the incident and for this reason only that Shri G. N. Verma has not been supported by M.W. 2, Barkat Khan. In fact, Barkat Khan gives entirely different version of this incident which is as follows:—

"When he had come out from the office there were 20 people standing. Shri Dwivedi was also present. Shri Laxmi or Shri Verma about the delay about the payment of workers. Shri Verma told him that payments will be made. Shri Dwivedi wanted to know when the payment will be made exactly in the process of discussion. The atmosphere got excited with regard to payments to workers. In the process Shri Dwivedi started abusing Shri Verma. Shri Verma went towards his Jeep got inside and started going away. The Jeep started moving. When the Jeep was near the boundary of the office, Shri Dwivedi started running behind the jeep and was saying that Shri Verma should stop and discuss the matter. Shri Verma did not stop. In the meanwhile Shri Motilal Shukla also came in front of the jeep. He was also shouting. After this as I was in the office veranda I could not see anything. The jeep went away. After the jeep had gone Shri Motilal Shukla and Shri Ramakant Dwivedi came towards the office of the manager in an agitated mood and they were saying that Verma has gone, let us Tiwari. However some people who were standing near the office consoled them and prevented them for going into the office. After this they went away."

19. So far the statement of M.W. 3, Lalita Prasad, is concerned, he is an Under Manager and he has also given a different version which is as follows:—

"After sometime I heard noise from outside on this I came out from the office and saw Shri Ramakant Dwivedi and Shukla coming running towards the office both of them were saying "Verma sala chala gaya madarchod Tiwari ko dekhenge". I stood in the gate of the office some people who were present in the veranda stopped both of them. They were advised to go back. I was standing in the door because the people present there advised both Shri Motilal Shukla and Ramakant Dwivedi to go away. Both of them went away."

20. Having gone through the entire evidence, the only thing which appears to be is that the workmen concerned were agitated, being union leaders, because of the material laches on the part of the management inasmuch as even according to M.W. 4, G. N. Verma, the clerk concerned was not preparing the pay bills in time since last 3-4 months and this was certainly a cause of their annoyance. It also appears that this time their pay was deferred for last number of days and payment was not made which created agitation in the mind of the workers which resulted in certain incident but not the sort of incident as advanced by the management.

21. I, therefore, hold that the order of dismissal of service of Shri R. K. Dwivedi and Shri Motilal Shukla is not legal or justified on the facts of the case. The alleged misconduct has not been proved. Punishment awarded is not proper. They are, therefore, entitled to be reinstated with full back wages and all consequential reliefs.

22. I, therefore, record my findings as follows:—

- (1) The punishment awarded is not proper or legal.
- (2) Termination/action taken against the workmen is not justified on facts of the case.
- (3) The alleged misconduct is not proved.
- (4) The workmen S/Shri R. K. Dwivedi and Motilal Shukla are entitled to reinstatement with continuity in service and full back wages as also consequential benefits.
- (5) No order as to costs.

Award is given accordingly.

V. N. SHUKLA, Presiding Officer
[No. L-21012/23/87-D.III(B)/No. L-21012/6/86-D.III(B)]
RAJA LAL, Desk Officer

नई दिल्ली, 5 दिसम्बर, 1990

का.आ. 3493 - प्रौद्योगिक विवाद अधिनियम, 1947 (1947

बैंक लिमिटेड, कहर के प्रबंधन के संयुक्त नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कलकत्ता के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-12-90 प्राप्त हुआ था।

New Delhi, the 5th December, 1990

S.O. 3493.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby published the following award of the Central Government Industrial Tribunal, Calcutta, as shown in the Annexure in the industrial dispute between the employers in relation to the management of Karurvysya Bank Ltd. and their workmen, which was received by the Central Government on 4th December, 1990.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

Reference No. 110 of 1988

PARTIES :

Employer in relation to the management of Karur Vysya Bank Ltd.

AND

Their workman Shri M. Chandra Sekhar.

PRESENT :

Mr. Justice Sukumar Chakravarty, Presiding Officer.

APPEARANCE :

On behalf of employer—None.

On behalf of workman—None.

STATE : West Bengal. INDUSTRY : Banking.

AWARD

By Order No. L-12012/86/86-D.IV(A) dated 14th August, 1987, the Government of India, Ministry of Labour, referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of the Karur Vysya Bank Ltd. Erode Road, Karur-639002 in terminating the services of Shri M. Chandra Sekhar, ex-sub-staff, the Karur Vysya Bank Ltd., Burra Bazar Branch, Calcutta w.e.f. 30th April, 1985 is justified? If not to what relief the workman is entitled?”

2. When the case is called out today, none appears from either side. A petition duly signed by the autho-

rised representative of the workman was received on 13th November, 1990. In the said petition it has been stated that the workman does not want to proceed further in the present reference. In the circumstances I have no other alternative but to pass a “No Dispute Award” and accordingly I do so.

This is my Award.

Dated, Calcutta.

The 29th November, 1990.

[No. L-12012/86/86-D.IV(A)]

SUKUMAR CHAKRAVARTY, Presiding Officer

का० आ० 3493.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) के अनुच्छेद 17 के अन्वये में केन्द्रीय सरकार द्वारा क्षेत्रीय प्रामाणिक जगदलपुर के प्रबंधन के संयुक्त नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण वाराणसी जगदलपुर के पंचपट को प्रकाशित करता है जो केन्द्रीय सरकार को 1-12-90 को प्राप्त हुआ था।

3494.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal Cum Labour Court Jabalpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of Bastar-Kshetriya Gramin Bank Jagdalpur and their workmen, which was received by the Central Government on 4-12-90.

ANNEXURE

BEFORE SHRI V. N. SHUKLA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (M.P.)

CASE NO. CGIT/IC(R)(35), 1987.

PARTIES :

Employer in relation to the management of Bastar Kshetriya Gramin Bank, Jagdalpur, District Bastar (M.P.) and their workman Shri Bhajendra Nath Mathew, Clerk, Village Kasturi, P.O. Nagarnar, Teh: Jagdalpur, District Bastar (M.P.).

APPEARANCES :

For Workman.—Shri R.C. Srivastava, Advocate

For Management.—Shri V. S. Shrotri, Advocate.

INDUSTRY.—Banking DISTRICT.—Bastar (M.P.)

AWARD

Dated the 19th November, 1990

This is a reference made by the Central Government, Ministry of Labour, vide Notification No. L-12012/205/85-D.IV(A) Dated 19th April, 1987, for adjudication of the following disputes:—

“Whether the action of the management of Bastar Kshetriya Gramin Bank, Jagdalpur in terminating the services of Shri Bhajendra Nath Mathew, Clerk, w.e.f. 1-10-83 is justified? If not, to what relief is the workman concerned entitled?”

2. Undisputed facts of the case are that the workman concerned was appointed in the Bank as Junior Clerk Cashier on 10-6-1981. He was posted at Dhanunji Branch in Bastar District. He tendered his resignation on 29-7-1983 requesting the management that for personal reasons he was unable to serve the Bank with effect from 31-8-1983 and prayed to be relieved on 1-9-1983 and worked upto 30-9-1983. It is also not disputed that later on he withdrew his resignation.

3. I have been informed that Ex. W/8 has been taken as a written statement of claim of the workman concerned.

4. The case of the workman in grief is that he had withdrawn his resignation and joined his duties on 19-10-1983 and applied for 18 days Earned Leave. He also worked from 19-10-1983 to 22-10-83. On 24-10-1983 while he was on duty a letter was read over the him that the management was considering the case of resignation of the workman concerned and he should not be permitted to work until further orders. He was told that he should wait until further orders. On 23-4-84 and 19-11-84 he again sent registered letters of withdrawal of his resignation by registered post but on 1-5-1985 he received an order to the effect that he is removed from service with effect from 1-10-1983. Workman says that for 19 months he was not informed about the action taken, hence his order of removal is not proper. It is false that he was removed from service with effect from 1-10-1983 because he had already worked from 19-10-1983 to 22-10-1983 as Cashier. A removed workman can not handle the cash upto 22-10-1983. Since he was not absent from duty on account of his own will and because he was informed that his case is under consideration and that he was asked by the management not to work and further because he has withdrawn his resignation before it was accepted his order of removal from service be set aside declaring it null and void and he should be deemed to be in continuous service with all consequential benefits.

5. According to the management because the workman had submitted his resignation stating that he is unable to work with effect from 31-8-83 has was relieved from 1-9-1983 by accepting his resignation. It was forwarded by the Manager to the Chairman of the Bank on 30-7-1983 and he was relieved of the duties on 30-9-1983. He again wrote that he has given up employment pursuant to the resignation tendered earlier and requested for being relieved from 1-9-1983.

6. On 19-10-1983 the workman reported for duty and requested that the period from 3-10-83 to 18-10-83 be treated as leave period. It was again forwarded by the Branch Manager to the Chairman of the Bank. The Chairman informed that no action be taken in the matter vide letter dated 21-10-1983. Subsequently, he was informed that the workman has already been relieved of the duty and it was possible to take him back on duty. The workman was also informed in writing on 1-5-1985 in reply to his request for permission to join duties again, that his resignation has already been accepted and he has been relieved of his duties pursuant to his resignation with effect from 30-9-1983. Thus it was not possible to take him back in service and he is not entitled to the relief as claimed. This would further be justified from the fact that he kept quite for last two years which clearly shows that he had in fact resigned from service.

3305 GI/90-6

7. Reference was the issue in the case.

8. Management has not participated in evidence and the only evidence that has been led is on behalf of the workman. Workman has examined himself in support of his case and has proved documents, Ex. W/1 to Ex. W/9.

9. From the evidence adduced by the workman the following facts can be gathered. On 29-7-1983 the workman submitted his resignation (Ex. W/1) praying that has voluntarily resigned, his resignation may be accepted and he be relieved with effect from 31-8-83; (b) On 19-11-1983 he sent a letter to the Chairman of the Bank (Ex. W/2) stating that he wants to withdraw his resignation and he may be taken on duty. Ex. W/3 is another copy of the letter dated 19-10-1983 showing that he is appearing on 19-10-1983 praying that he may be permitted to join duties and his resignation be withdrawn; (c) Ex. W/4 is the copy of the application according to which the workman has stated that he was absent from duty from 3-10-1983 to 18-10-83 because he was thinking that he has been relieved but on 19-10-1983 he is again joining and he may be taken on duty and the period of his absence of 16 days be treated as Earned Leave; (d) Ex. W/5 is the letter dated 21-10-1983 according to which the Branch Manager was informed that the workman should not be permitted to join and the main office will inform him of the action taken; (Ex. W/7 is the copy of the letter dated 8th May, 1985 showing that the resignation of the workman has been accepted with effect from 30-9-1983 referring to his earlier letter dated 19-4-1985 (Ex. W/6 is copy of confirmation); (f) Ex. W/9 is the copy of letter dated 19-11-1984 which disclose that the workman had worked for three days even after his application of resignation and he was only informed that until the orders are received from the headquarters he should not be permitted to join and because he is praying for withdrawal of his resignation he should be permitted to join and resignation be treated as withdrawn. There is no evidence to the contrary.

10. The testimony of W.W. 1, B.N. Mathew, remained unchallenged.

11. From the above evidence as also from the testimony of B.N. Mathew it is evident that the workman had resigned with effect from 31-8-1983 but as per Ex. W/3 he joined on 19-10-1983 with a request that he had submitted his resignation due to mental trouble and had also made an application to the effect that Earned Leave be granted to him for his absence during period from 3-10-1983 to 18-10-83 and accordingly he has reported for duty on 19-10-1983. Workman states that he worked for four days thereafter and and he was prohibited from working as per letter Ex. W/5 dated 21-10-1983. Ex. W/5 is addressed to the Branch Manager as I have already pointed above. It is not clear as to on what date this order was served upon the workman had he was prohibited from working. There is no evidence on record as to on what date he was prohibited from working. Thus it should be accepted that he worked from 19-10-1983 for three days i.e. 19th, 20th and 21st October, 1983. It has to be noted that not only he had withdrawn his resignation but had also worked for some days thereafter and his resignation was accepted as late as 1st May, 1984 as per Ex. W/7.

12. Obviously, the resignation of the workman was not accepted until 1-5-1985 and at the same time he was pro-

hibited from working since after 21-10-1983. In view of the fact that he had not only withdrawn his resignation but also worked for three days and therefore he was prohibited from working without his resignation being accepted it should be held that the resignation was withdrawn before it was accepted. It was laches and delay on the part of the workman on one side and the management on the other side that all this confusion arose and that is why the workman remained absent until 19-10-1983 after submitting his resignation and the management without accepting his resignation prohibited him to work after 21-10-1983 onwards.

13. This being the state of affairs, though the workman is entitled to be reinstated because his resignation should be treated as withdrawn, but in the circumstances he would not be entitled to any back wages until this date and shall be deemed to be in continuous service and benefits arising therefrom. His absence from duty 1-10-1983 to 18-10-1983 shall be converted into leave to which he is entitled.

14. I, therefore, hold that the action of the management of Barmer Kshetriya Gramin Bank, Jagdalpur in terminating the services of Shri Bhairendra Nath Mathew, Clerk, w.e.f. 1-10-1983 is not justified. He is entitled to reinstatement but without any back wages till the date of this award but shall be deemed to be in continuous service & entitled to the benefits arising therefrom. No order as to costs. Award is made accordingly.

V. N. SHUKLA, Presiding Officer
[No. L-12012/205/85-D II(A)]
S. S. SHARMA, Desk Officer

नई दिल्ली, 6 दिसम्बर, 1990

का.प्र. 3495 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक आफ इंडिया के निधि के बीच निरोधकों और उनके कर्मचारियों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-11-90 को प्राप्त हुआ था।

New Delhi, the 6th December, 1990

S.O. 3495.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial dispute between the employers in relation to the Bank of India and their workmen, which was received by the Central Government on 29-11-90.

ANNEXURE

BEFORE SHRI ARJAN DEV, PRESIDING OFFICER
CENTRAL GOVT. INDUSTRIAL TRIBUNAL CUM
LABOUR COURT, PANDU NAGAR, KANPUR.

Industrial Dispute No. 176 of 1990

In the matter of dispute between :

Shri J. N. Mishra, General Secretary, Central Bank Employees Congress (U.P.) through Central Bank of India, Nayagani, Kanpur.

AND

Regional Manager Central Bank of India, Regional Office, Pandu Nagar, Kanpur.

AWARD

1. The Central Government, Ministry of Labour, vide its notification No. L-12012/2490-I.R.B.(II) dt. 3-8-90, has referred the following dispute for adjudication to this Tribunal—

Kya Central Bank of India ke prabandhako dawara Shri Shatrughan Lal Sharma Bhutpurva Chaprasi Rasolabad Shakha ko naukari se barkhast kar dene ki karyawahi nyayochit avam gair kanooni hai ? Yad, nahi to sambandhit karmkar kis anutosh ka haqdar hai ?

2. In the instant case the workman absented himself on 14-9-90 and on 5-10-90. Neither he nor the Union's representative which raised the present dispute on his behalf moved any application or filed the claim statement dispute issue of notices by the Tribunal on 27-8-90 & 19-9-90. It thus appears to me that neither the workman himself nor the Union is interested in prosecuting the case.

3. Thus in the circumstances of the case narrated above, a no claim award is given against the workman/Union, in the present case.

ARJAN DEV, Presiding Officer,
[No. L-12012/24/90-IRB(ii)]

का.प्र. 3496 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इंडियन ओवरसीज बैंक के प्रबंधकों के संज्ञा निरोधकों और उनके कर्मचारियों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-11-90 को प्राप्त हुआ था।

S.O. 3496.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial dispute between the employers in relation to the Indian Overseas Bank and their workmen, which was received by the Central Government on 29-11-90.

ANNEXURE

BEFORE SHRI ARJAN DEV, PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
DEOKI PALACE ROAD, PANDU NAGAR, KANPUR.

Industrial Dispute No. 113/1990

In the matter of dispute between :

General Secretary, U.P. Bank Employees Congress
C/o Indian Overseas Bank Aminabad, Lucknow.

AND

Regional Manager, Indian Overseas Bank, Regional Office, 10 Ashok Marg, Lucknow.

AWARD

The Central Government, Ministry of Labour, vide its notification No. L-12012/549/89-D-2-A dt. 16-4-90, has referred the following dispute for adjudication to this Tribunal:

"Whether the Regional Manager Indian Overseas Bank Lucknow was justified in not granting special leave to Shri R. K. Garg Office Bearer of State Organisation of NCBE in terms of para 13.39(C) of first bipartite settlement dt. 19-10-66, and also in terms of circular No. PD/SET/9 dt. 16-7-84 issued by the India Bank Association Bombay ? If not to what relief the workman concerned is entitled ?

2. In the instant case despite issue of several notices the claim statement on behalf of the Union has not been filed till 17-8-90. On the day Shri Dhanesh Chandra was present on behalf of the management. However, another notice was issued for filing of the claim statement by the Union fixing 25-8-90. On 25-8-90, none appeared from the side of the

Union per Union filed the claim statement. Thus it appears that the Union is not interested in prosecuting the case.

3. Therefore, a no claim award is given against the workman/Union.

ARJAN DEV, Presiding Officer
[No. L-12012/549/89-D.II(A)]

का.प्र. 3497.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्ट्रल बैंक ऑफ इंडिया के प्रबंधन के संवद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-11-90 का प्राप्त हुआ था।

S.O. 3497.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur, as shown in the Annexure in the Industrial dispute between the employers in relation to the Central Bank of India and their workmen, which was received by the Central Government on 29-11-90.

ANNEXURE

BEFORE SHRI ARJAN DEV PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
PANDU NAGAR, KANPUR.

Industrial Dispute No. 9/87

In the matter of dispute between :

The Secretary Central Bank Staff Association C/o V. N. Sekhari, 26/104 Birhana Road Kanpur.

AND

The Regional Manager, Central Bank of India, Pandu Nagar, Kanpur.

AWARD

1. The Central Government, Ministry of Labour vide its Notification No. L-12012/118,86-D.II(A) dt. nil, has referred the following dispute for adjudication to this Tribunal :—

“Whether the action of the management of Central Bank of India Kanpur in rejecting the request of Shri R. S. Mehrotra, Spl. Asstt. for correction and alteration of his date of birth from 4-7-26 to 18-9-30 on the basis of his High School Certificate is justified legal? If not, to what relief the concerned workman is entitled?

2. The industrial dispute on behalf of the workman Shri R. S. Mehrotra, has been raised by the Central Bank Staff Association (hereinafter referred to as Union for the sake of brevity). The case of the Union in short is that the workman joined service in the Central Bank of India, on 24-2-48. He was retired prematurely when he had not attained the age of superannuation which in the Banking Industry as per Sastri Award as modified by Bipartite Settlement is 60 years. As per his High School Certificate his actual date of birth is recorded as 9-7-26. In spite of several representations made by him for correction of his date of birth, the bank refused to correct it. On the basis of correct date of birth he is due for retirement on 18-9-90. The Union has, therefore, prayed that the order rejecting the representation of the workman for correction of the date of birth on the basis of date of birth recorded in the High School Certificate be declared as illegal and the management be ordered to reinstate him with full back wages and all consequential benefits.

3. In their written statement, the management have admitted the date of joining and the date on which the workman was retired from the service by the bank. The management plead that the workman's date of birth 4-7-1926 was recorded in the service record of the bank on the basis of documents declaration given by the workman at the time of joining service. His education qualification is also recorded as non matric at the time of his appointment. Had his date of birth been 18-9-30, as claimed by him, he would have

been just 17 years and a few months old at the time of appointment, i.e., he would have been minor at the time of his appointment and the question of his employment would not have arisen. After 33 years of service in the bank he made a representation on 26-8-83, that he had furnished High School Certificate in original to the bank in 1951 for recording his educational qualification in the service record. It was further stated by him that his date of birth recorded with the bank was incorrect. In fact the workman had never submitted his High School Certificate to the bank in 1951. It was only on 18-6-76, when the workman represented to Nayaganj Branch of the bank to return his High School Certificate. The date of birth mentioned in the High School Board Examination Form filled up by the candidate cannot be treated as authentic in this particular case because at this stage the date of birth of the workman recorded in the bank's record being the correct date of birth, no alteration in it can be allowed. In the circumstances, the bank was justified in refusing the workman's request of 31-7-83. The management have then pleaded that the claim put up by the Union on behalf of the workman is belated; that the workman has not given any evidence in support of his date of birth; and that the claim put up is baseless.

In the rejoinder the additional facts alleged by the Union is that the workman never gave any declaration with regard to his date of birth at the time of his joining service. It is also alleged that there were number of persons below the age of 14 years who were appointed as Cashiers, godown clerks, peons etc. in the banking industry including the Central Bank of India during the period 1940-1950.

4. In support of their respective cases parties have led oral as well as documentary evidence. On its side the Union has examined the workman and Sh. J. D. Mishra. On the other hand, the management have examined Shri Naresh Malhotra, Regional Manager of the Bank at Kanpur.

4(a) In the instant case, there is no dispute about the fact that the workman joined service in the bank on 24-2-48 and he was retired on 31-7-86 (A.N.). There is also no dispute about the fact that at the time of joining service he was a non matriculate and that he passed High School Examination in 1951.

5. Now, I take up the question of date of birth of the workman. The case set up by the Union is that the date of birth of the workman is 18-9-30, which is mentioned in the High School Certificate and not 9-7-26 as recorded in the bank's records. There is no dispute about the fact that his representation in this regard was rejected by the bank vide letter No. RO : P&S.55/333 dt. 10-10-83, reference of which is found in the letter dt. 11-10-83, copy ext.W.10 written by the Branch Manager, Azad Nagar Branch Kanpur of the Bank to the workman.

6. It appears from the evidence on record that the workman took up the case for correction of his date of birth for the first time by means of his letter dt. 26-8-83 copy ext. W-7. The management have also filed its copy and it is ext.M-3. The following lines of the letter in this regard are—

Only recently I came to know that the date of birth recorded in my service book was 4-7-26, which is not correct. My correct date of birth is 18th September, 1930.....

So even if it be believed that he had submitted his High School Certificate in original to the bank which the bank denied vide letter dt. 15-6-85 of the B.M. Azad Nagar Branch of the Kanpur, copy Ext.W-1, it would be deemed to have been submitted only for the purpose of noting down that he had done his High School.

7. Now, let us come to the evidence on the point under consideration. Ext.M-1 is the photostat copy of the service record of the workman. In it the date of birth of the workman is recorded as 4-7-26.

8. In his cross examination he has deposed that his first posting in the bank was as assistant cashier at Meston Road Branch Kanpur. At that time, the declaratory form used to be filled up after making inquiries from the candidates on

point such as—his name, his father's name, his residential address, his educational qualification, his date of birth and on the said form the signatures of the candidates used to be obtained. The same procedure was also followed by the bank with regard to him as well. Unfortunately in his case, the said declaratory form is not available with the bank. Despite that it will be presumed that the date of birth recorded in the service record must have been recorded on the basis of such declaratory form signed by him. There was no motive on the part of any one to record wrongly the date of his birth in his service record. No where the workman or the Union has alleged malice or enmity with any official. It was specifically inquired from him whether in the declaratory form signed by him he got recorded his date of birth as 4-7-26. The reply that was given by him was that he did not remember.

9. In support of his case, the Union has placed reliance on the oral testimony of the workman, the date of birth as mentioned in his High School Certificate and the Certificate dt. 20-3-83 issued by Amruddhama Public Library Lucknow, consequential report of the medical examiner of Life Insurance Corporation of India. On the other hand, the management have placed reliance on the service record, copy of medical certificate which was enclosed by the workman with his leave application and the oral testimony of the Regional Manager.

10. Ex.W-11 is the photostat copy of the Duplicate High School Certificate. In it his date of birth is recorded as 18-9-30. Ex.W-12 is the photostat copy of the certificate dt. 20-3-83 issued by the Librarian of Amruddhama Public Library Lucknow. The certificate contains information as it appeared in the U.P. Gazette Part IV July 14, 1951. The certificate shows that the workman passed his High School Examination in 1951 from Christ Church High School Kanpur Centre. His date of birth is mentioned in it as 18-9-1930.

11. In his testimony also he gave his date of birth as 18-9-1930. We have earlier seen that the workman had passed his High School Examination while he was in the service of the bank. In para 6 of his statement in cross examination, he has deposed that in the examination form filled up by him for appearing in the High School Examination he mentioned his date of birth as 18-9-1930 and in support of the date of birth he annexed some documents to the said form. He admits that in the High School Certificate that date of birth is given which is given by the candidate in the said form. He has also stated that with the said form he enclosed his school leaving certificate. He admits that at present he is not in possession of his school leaving certificate. He even does not possess its copy. From all this it can be safely inferred that he mentioned the above date of his birth in the examination form on the basis of date of birth given in the school leaving certificate which he had annexed with it. It means that he knows from which school the said school leaving certificate was obtained by him. But for reasons best known to him he made no attempt either to get fresh copy of school leaving certificate or obtaining the same from the said school nor he has made any attempt to summon the record in this connection from the school. He could have even otherwise proved his date of birth by producing the copy of extract from the birth register of he was born in a town or by producing the copy of Kutumb Register if he was born in some village.

12. The Union summoned the confidential report of medical examiner of Life Insurance Corporation of India. Kanpur, One Shri A. K. Tewari, brought the original report and filed its copy (photostat). The document is inadmissible in evidence as no attempt was made by the Union to produce the doctor for the purpose of proving it. Even otherwise much reliance cannot be placed on this report which is dt. 30th March, 1974. On the basis of appearance of workman the doctor recorded his age as 43 years. Appearances are always deceptive. One may look older than his age or one may look much younger than his age. From the report it appears that the age recorded by the doctor is not based on any scientific data. Thus the Union/workman has failed to adduce sufficient satisfactory, reliable and cogent evidence in support of the fact that the date of birth of the workman is 18-9-1930. As shown above

best evidence has been withheld by the Union/workman for reasons best known to them.

13. I have referred to the service record earlier. In the service record the date of birth of the workman is recorded as 4-7-1926. It gets corroboration from the medical certificate dt. 29-10-1976, which was enclosed by the workman with his leave application dt. 29-10-1976 addressed to the branch manager Mayapuri Branch, Kanpur. The copy of leave application is ext. M-6 and the copy of the medical certificate is ext. M-7. In the medical certificate, the age of the workman is recorded as 50 years. There is no evidence that the age as recorded by the doctor is wrong. The doctor must have described him as aged 50 years on workman's telling his approximate age to him. If this age is taken into consideration, it will certainly take his date of birth to the year 1926.

14. The evidence given by the Regional Manager, Shri Naresh Malhotra, Kanpur is not of much importance as his knowledge is based on records.

15. Thus I find that the evidence which the management have led in this case is far more reliable satisfactory and convincing than the evidence led by the Union on the point.

16. Hence, I see no grounds to disregard the date of birth of the workman as recorded in his service record. Therefore, the workman was rightly retired by the management with effect from 31-7-1986 (A.N.).

17. The result, therefore, is that the reference is decided against the Union/workman and the workman is held entitled to no relief.

Dt. 26-11-1990.

ARJAN DEV, Presiding Officer.

[No. L-12012/118/86-D.II(A)]

का.पा. 3498—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक आफ इंडिया के प्रबंधन के संबंध में निदेशों और उनके कर्मचारियों के बीच, अनुबंध में निविदा औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-11-90 को प्राप्त हुआ था।

S.O. 3498.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial dispute between the employers in relation to the Bank of India and their workmen, which was received by the Central Government on 29-11-90.

ANNEXURE

BEFORE SHRI ARJAN DEV PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL DEOKI PALACE ROAD PANDU NAGAR, KANPUR

Industrial Dispute No. 101 of 1987

In the matter of dispute between

Shri Ramesh Chandra Shukla C/o Sh. V. N. Sekhari 26/104 Birhana Road, Kanpur.

AND

The Zonal Manager, Bank of India, 1 Naval Kishore Road, Lucknow.

AWARD

1. The Central Government, Ministry of Labour, vide its notification NO. 1-12012(557)/80-D.II(A) IV B, dt. 10th August, 1987, has referred the following dispute for adjudication to this Tribunal :—

“Whether the action of the Zonal Manager Bank of India in terminating services of Shri Ramesh Chandra Shukla with effect from 17-12-85 is justified or not, to what extent the workman concerned is entitled ?

2. The case of the workman in short is that the service conditions of employees of the banking industry are governed by Sastri Award as modified by Desai Award and the various bipartite settlements. He alleges that he was retrenched illegally on 2-4-75, whereupon, an industrial dispute was raised by him. It gave rise to I. D. No. 105/83. The award in the said I. D. Case was given by this Tribunal on 29-7-75 and vide order dt. 19-8-85 of the Ministry of Labour, New Delhi, it was pronounced in the Gazette of India. Under the Award, he was reinstated with back wages. According to him the management without proper and full implementation of the award, while making payments of back wages to him, terminated his services again w.e.f. 17-12-85, without any justification and valid reasons in violation of the provisions of Secs. 25G, 25F, and 25H, I.D. Act Various paragraphs of Sastri Award and Articles 14 & 16 of the Constitution of India. He has therefore, prayed that while holding the action of the management in terminating the services of the workman w.e.f. 17-12-85, as illegal, he be reinstated with retrospective effect with full back wages and all consequential benefits.

3. The management while admitting the facts leading to the award of this Tribunal in I. D. No. 105/83, plead that while making the award the tribunal made it clear that the management would be free to deal with the workman after his reinstatement according to law. In this connection, the tribunal also referred to the judgment of the Hon'ble Supreme Court of India in S. K. Verma Vs. CGIT Delhi, 1981 Lab. IC 1292. In pursuance of the direction contained in the award the workman was reinstated in bank's service and was paid back wages vide management's letter dt. 17-12-85. The management plead that it was decided that the services of the workman be terminated after implementing the award. In fact, the reinstatement of the workman became necessary in view of the fact that by keeping him in service he was to be paid at par with other permanent employees who have been recruited through process of written test & interview and further since there was no temporary post of clerk available in the bank. According to the management, bank's action in terminating the services of the workman vide their letter dt. 17-12-85 was fully satisfied and it was in accordance with law.

4. In his rejoinder the workman alleges that he was appointed against a regular vacancy after he had qualified in the written test and interview. The workman admits that in the award in I. D. No. 105/83, the bank was given liberty to deal with him according to law after reinstatement. According to him the ruling referred to in the award is not applicable

in his case. He however admits that he was paid full back wages including increments and increased D.A. etc.

5. In support of his case, the workman has filed his own affidavit and a few documents. On the other hand, in support of their case, the management have filed the affidavit of Shri S. K. Mathur, Chief Personnel Officer and the copy of letter dt. 17-12-85 which was filed by the management with their written statement.

6. The copy of the award in I. D. No. 105/83 and 106/85 has been filed by the workman. It appears that the two I.Ds were consolidated and were disposed of by my learned predecessor by means of award dt. 29-7-85. Paras 17, 18 and 19 of the award read as under :

Para 17 :

1, therefore, hold that the management in both the cases of Shri Ashok Kumar and Ashok Kumar Mishra was unjust in executing the termination on the dates specified in their reference order without granting retrenchment compensation and the effect is that they have to be reinstated in service with full back wages. I, therefore, give my award accordingly.

Para 18 :

My attention was drawn to the ruling of S. K. Verma Vs. Central Government 80 Lab IC 1292 SC wherein it was observed—

We however emphasize the condition that salary on reinstatement of the workman will be the salary which they were drawing when they were retrenched subject of cross any revision of scale that might have made meanwhile and the period from the date of retrenchment to the date of reinstatement will not be taken into account for the purposes of reckoning seniority of the workman amongst temporary employees.

The respondent is free to deal with its employees who are temporary according to law.

Para 19 :

The management is free to deal with them after reinstatement according to law.

It appears that there has been a clerical error in typing the names of the two workman. The workman involved were Sh. Ramesh Chandra Shukla, who is the workman in the present case before us and Shri Ashok Kumar Mishra, so the first name should have been Shri Ramesh Chandra Shukla and not Shri Ashok Kumar. From para 17, it is thus evident that Shri Ramesh Chandra Shukla & Shri Ashok Kumar Mishra were ordered to be reinstated in service with full back wages. From paras 18 & 19, it is evident that after their reinstatement, the management of the bank was free to deal with them in accordance with law and secondly both of them were held to be temporary employees of the bank. In view of the reliance placed by my learned predecessor on the ruling quoted by him, the period from the date of retrench-

ment to the date of reinstatement was not to be taken into account for the purposes of reckoning their seniority amongst temporary employees.

7. There is no evidence from either side to show that the above findings were either set aside or modified by any superior court. In the circumstances, it is not open to the workman Shri Ramesh Chandra Shukla to urge before this tribunal that he was a permanent employee or had become permanent. It is also not open to him to urge, for the purposes of reckoning his seniority that the period between the date of his retrenchment and the date of his alleged reinstatement should be taken into account. The point which arise for consideration therefore are—

1. Whether there had been reinstatement of workman in pursuance of directions given in the award?
2. Whether there had been violation of sec. 25F, 25G & 25H I.D. Act or any provisions of Sastri Award as modified by Desai Award and various Bipartite Settlements or Articles 14, 16 & 21 & 41 of the Constitution of India?

Point No. 1 :

8. Annexure A to the written statement is the copy of letter dated 17th December, 1985, from the Zonal Manager, to the workman. By means of it the management ordered his reinstatement and simultaneously terminated his services with full back wages along with notice pay and retrenchment compensation. With the letter the management annexed statement relating to back wages, retrenchment compensation and one month's pay in lieu of notice with a calculation chart regarding back wages. The receipt of this letter along with annexures have not been specifically admitted by the workman either in the claim statement or in the rejoinder. He has simply admitted the receipt of full back wages with increments and increased D.A. etc., vide para 9 of the rejoinder and para 9 of the claim statement. However, in para 3 of his affidavit the workman admitted the existence of this document (letter). It is strange that the management made no attempt to prove this document. This lapse on the part of the management has been made good by Shri M. Lal, the authorised representative for the workman by getting it proved from the management witness in his cross examination. During cross examination, Shri Lal confronted the management witness with annexure A to the written statement. I may state here that during the course of his argument Shri Lal also relied upon it and referred to it. I may further state here that in his cross examination the workman has admitted that on 17th December, 1985, the bank had sent to him by post a cheque for Rs. 90100.69 paise and a pay order for Rs. 14096.31 paise towards retrenchment compensation. Thus these documents stand proved. Even otherwise in para 2 of his affidavit, the management witness has deposed that the workman was reinstated on 17th December, 1985 on payments of back wages and his services were terminated the same day after complying with the provisions of sec. 25F I.D. Act, i.e. on payment of retrenchment compensation and one month's pay in lieu of notice. There had been no cross examination of the witness on the point.

9. Shri Lal has argued that actually there had been no reinstatement of the workman in terms of the directions given in the award in I.D. No. 105/83. I have gone through the evidence and find that the management has been unable to controvert these facts successfully. As observed above by me in para 2 of his statement in cross examination, the workman has deposed that he received the cheque and the pay order by post. No suggestion to the contrary has been put to the workman by the management's side.

10. In his cross examination, the management witness has expressed his ignorance whether or not the workman was actually allowed to join. He has further expressed his ignorance on the point whether or not letter dated 17th December, 1985 was delivered Dasti to the workman.

11. Therefore, the only conclusion which can be drawn from the record is that every thing was done with regard to his reinstatement and termination on paper i.e., there had been no physical act of taking over and handing over. In the back ground of the nature of evidence on record, the very contents of letter dated 17th December, 1985 lead to the same conclusion.

12. Hence, to my mind, it did not amount to compliance of order of reinstatement. When there has been no compliance, the order in his regard still stands, meaning thereby that any such order of termination that had been passed by the management on 17th December, 1985 has no legal force. It is void ab initio. It would have been quite a different thing had the workman been allowed to join and thereafter, either the same day in the afternoon or next day his services had been terminated in accordance with law in the light of the observations made in the award given by my learned predecessor in I.D. No. 105/83.

13. Point No. 1 is, therefore, decided in favour of the workman and against the management.

Point No. 2 :

14. Although in view of my finding on point No. 1, it is not necessary to deal with this point but as the workman has raised pleas in this regard, I think it proper to deal with this point also assuming that the services of the workman were terminated after he was duly reinstated in service in accordance with law.

15. There does not seem to be any violation of sec. 25F I.D. Act, since from Annexure A to the written statement it stands proved that the workman was paid back wages besides retrenchment compensation and one month's pay in lieu of notice. These facts are admitted. So the management cannot be held as having violated any provisions of Section 25F of the Act.

16. Now I come to sections 25G & 25H of the Act. These two sections are not only independent of each other but are also independent of section 25F of the Act.

17. We have seen earlier that my learned predecessor while giving his award in I.D. No. 105/83, has held the workman as a temporary employee. I have also referred to the ruling of the Hon'ble Supreme Court relied upon by my learned predecessor.

sor while giving the award and have found that for the purposes of reckoning seniority the period from the date of retrenchment to the date of termination will not be taken into account. There is no dispute about the fact that in the earlier case, the management was found to have violated the provisions of sec. 25F I.D. Act. Therefore, both sections 25G and 25H of the Act will have application and it will have to be seen whether on the basis of evidence on record they are or either of the two is attracted.

18. For the purposes of section 25G we will have to see whether or not any temporary employee of workman's category junior to him has been retained in the service of the bank. No specific name of any person has been given by the workman either in the claim statement, rejoinder or in affidavit. Even no such name was mentioned by him in the petition and the rejoinder filed by him before the Assistant Labour Commissioner(C) Kanpur. The copies of both the documents are documents nos. 1 and 2 of workman's list of document dated 2nd January, 1989.

19. In para 4 of his statement in his cross examination the workman has expressed his ignorance whether or not any temporary clerk or typist had been working on the day when he was served with the letter containing cheques and pay orders in respect of his back wages, retrenchment compensation and one month's pay in lieu of notice. He has also expressed his ignorance on the point whether or not since 1985, recruitment to the post of clerks-cum-typists is done through Banking Service Recruitment Board.

20. Towards the end of his cross examination certain names were suggested to the management witness and it was inquired from him whether they had been kept as temporary clerks or not. The simple reply was that he was unable to say anything. He was right when he gave this reply. Now one could make any statement when no where the workman has said that such and such persons were kept as temporary clerks. Further there is no evidence on record to show that these persons are still continuing in the service of the bank on temporary basis.

21. Thus the workman has not been able to prove infringement of sec. 25G I.D. Act. Similarly he has not been able to prove by means of any cogent evidence that temporary clerk-cum-typists were kept in the service by the management after terminating his services by means of letter dated 17th December, 1985. Here I may state that in reply to interrogatories filed by the workman it was stated on affidavit by Shri M. V. K. Rao Chief Officer (P) that the bank had appointed clerks during the years 1986, 1987, and 1988 from amongst the candidates whose dossiers were received from Banking Service Recruitment Board which selects candidates for appointment in banks' clerical cadre after taking written test and interview.

22. It is, therefore, held that there had been no violation of secs. 25G & 25H of the I.D. Act.

23. While arguing the case Shri M. Lal, could not show as to how in the case of the workman Articles 14, 16, 21 & 41 of the Constitution of India are hit. Some time after oral arguments had been concluded Shri Lal behind the back of the management bank,

the other party, filed with the Reader of this Court, written arguments alongwith some rulings and copy of the award in I.D. No. 105/83 and 106/83 and the copy of affidavit filed by the workman in I.D. No. 105/83. In his written arguments he has referred to some rulings. Rulings are attracted only when the case under sec. 25G & 25H of the Act, are made out. The law is clear and it is that all the three sections i.e. 25F, 25G & 25H of the Act are independent of each other. In his arguments he has also referred to paras 493, 495 etc., of the Shastri Award but since no arguments were submitted with regard to these paras while making his submissions, I need not touch that.

24. Hence, point no. 2 is decided against the workman but as already said, only if it is held that there had been a valid reinstatement of the workman in the service of the bank in pursuance of the directions given by my learned predecessor in the award given by him. Point no. 2 is decided accordingly.

25. In view of the findings given the action of the management in terminating the services of Shri Ramesh Chadra Shukla w.e.f. 17th December, 1985, is not at all justified. In fact there has been no reinstatement and consequently to compliance of the directions given in the earlier award by my learned predecessor with regard to workman's reinstatement in service.

26. Since there has been no compliance of the award given in I.D. No. 105/83, so far as the workman is concerned, the observations made in the earlier award that he is a temporary hand will stand. Further in view of the ruling of the Hon'ble Supreme Court relied upon by my learned predecessor, the period from the date of retrenchment to the date of actual reinstatement will not be taken into account for the purposes of reckoning seniority of the workman amongst temporary employees.

27. The result is that the workman is entitled to be reinstated in service with full back wages on his furnishing an affidavit before the management to the effect that he was not gainfully employed during the period in question i.e. w.e.f. 17th December, 1985 till the date of his reinstatement.

28. Reference is answered accordingly.

ARJAN DEV, Presiding Officer
[No. L-12012(337)/86-D.II(A)]

नई दिल्ली, 11 दिसम्बर, 1990

का.प्र. 3499.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय जीवन बीमा निगम के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण बचर्ड के पंचम को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-12-90 को प्राप्त हुआ था।

New Delhi, the 11th December, 1990

S.O. 3499.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bombay as shown in the Annexure in the Industrial dispute between the employers in relation to the Life Insurance Corporation of India and their workmen; which was received by the Central Government on 4th December, 1990.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY
Reference No. CGIT-2/60 of 1987

PARTIES :

Employers in relation to the management of Life Insurance Corporation of India
AND

Their Workmen.

APPEARANCES :

For the Employers—Shri A. W. Dharwadkar, Advocate.

For the Workmen—Shri A. S. Deo, Authorised representative.

INDUSTRY : Life Insurance. STATE : Maharashtra.
Bombay, the 19th November, 1989

AWARD

The Central Government by their Order No. L-17012/27/87-D.IV(A) dated 27th November, 1987 have referred the following industrial dispute to this Tribunal for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 :—

“Whether the management of Life Insurance Corporation of India, Bombay Division was justified in refusing to accept the date of birth viz. 15th July, 1934 as contained in the School Leaving Certificate produced by Shri V. M. Salvi, Record Clerk, as his correct date of birth? If not to what relief is the workman entitled?”

2. The case of the workman Shri V. M. Salvi as disclosed in the Statement of Claim (Ex. 2/W) filed on his behalf by the General Secretary of the Insurance Employees Association, Bombay, in short, is thus :—

- (i) The Life Insurance Corporation of India in exercise of the powers vested in them under Section 49 of the LIC of India Act, 1956, framed, with the previous approval of the Central Government, the LIC of India Staff Regulations, 1960. As per Regulation 19 of these Regulations, an employee belonging to Class III or Class IV shall retire on completion of 60 years of age, but the competent authority may, if it is of the opinion that it is in the interest of the Corporation to do so, direct such employee to retire on completion of 55 years of age or at any time thereafter, on giving him three months' notice or salary in lieu thereof. The Chairman of the Corporation issued under Regulation 4 of the said Staff Regulations, 1960, the LIC of India (Verification of date of birth of employees) Instructions, 1970.
- (ii) The workman Shri V. M. Salvi joined the then Western India Insurance Co. Ltd. in December, 1950 at Bombay as a Peon. He had submitted to that company the horoscope in proof of age containing the date

of birth as 21st March, 1932. That company accepted that horoscope regarding his date of birth as 21st March, 1932, and recorded it in his service record. The LIC of India Corporation sometimes in 1970 asked the workman Shri Salvi to submit the School Leaving Certificate for the purpose of admitting his correct age in his service record in terms of Age Verification Instructions 1970. The workman submitted a copy of his School Leaving Certificate issued by his School, i.e., Social Service League Night High School, to the Corporation and his date of birth mentioned therein was 15th July, 1934. Thereafter, the workman made a representation to the Corporation in 1979 that his correct date of birth be recorded as 15th July, 1934 as per the School Leaving Certificate. However, the Corporation relied upon the horoscope of the workman containing his date of birth as 21st March, 1932. The Corporation refused to re-admit the date of birth as 15th July, 1934 as per the School Leaving Certificate. According to the Corporation, the horoscope being prepared soon after the birth, the same also being the first evidence prepared regarding date of birth was more reliable than the School Leaving Certificate, and hence the Corporation had refused to rely upon the School Leaving Certificate and to change the date accordingly. Thereafter, the Union raised an industrial dispute before the Asstt. Labour Commissioner (C) and as the conciliation proceedings ended in failure, the Central Government made the reference as above.

3. The Union further alleged thus :—

The Age Instructions has got a Schedule. Entry No. 5 in that Schedule refers to School Leaving certificate issued by institutions recognised by the Government authority, while the horoscope is at entry No. 9 in that Schedule. As such the birth date mentioned in the School Leaving Certificate must be preferred to and respected than the birth date mentioned in the horoscope. The LIC Corporation is bound by the instructions framed by them and was bound to accept the birth date as mentioned in the School Leaving Certificate. The decision of the Corporation to retain the date of birth as 21st March, 1932 as per the horoscope is arbitrary, unjust and illegal, and by that decision the workman is required to retire about 2½ years earlier than the actual date of his retirement, and thereby financial loss is being caused to him. The horoscope relied upon by the Corporation is not genuine, as it was not prepared soon after the birth of the workman, nor does it mention the name and address and the place of the person preparing it, and also does not contain the name of the child, and it cannot be relied upon. If the Corporation wanted to rely upon the horoscope, there was no need for the Corporation to ask the workman to submit his School Leaving Certificate regarding his birth date.

The Union therefore prayed that this Tribunal should hold that the action of the Corporation in retaining the date of birth as 21st March, 1932 on the basis of horoscope and refusing to accept his date of birth as 15th July, 1934 as per the School Leaving Certificate as unjust, arbitrary and in violation of the principles of natural justice.

4. The Zonal Manager of the LIC of India by his written statement (Ex. 3[M]) opposed the said claim of the Union, and in substance contended thus :—

(i) The workman Shri V. M. Salvi was appointed as a peon in 1950 by the then Western India Life Insurance Company Ltd., Satara. At the time of his recruitment the workman had mentioned in his application dated 1st December, 1950 to the said Insurance Company his date of birth as 21st March, 1932. That application was written by his own hand and vernacular. Accordingly his date of birth was entered as 21st March, 1932 in his service record. In support of his application, the workman had produced the original horoscope prepared soon after his birth, which horoscope showed the birth of date as 21st March, 1932. The said Insurance Company after satisfying itself about the genuineness of the said document regarding the date of birth, entered the date of birth as 21st March, 1932 in his service record as per his horoscope. While taking insurance policy sometime in 1952, the workman had mentioned his date of birth as 21st March, 1932.

(ii) The Life Insurance Corporation of India (Verification of Date of Birth of Employees) Instructions 1970, were issued by the Chairman of the LIC in exercise of the powers conferred by Regulation 4 of the LIC (Staff) Regulations, 1960. In terms of those Age Instructions all the employees of the LIC including the workman Shri Salvi, were asked to submit documents to enable the competent authority of the L.I.C. to verify their birth dates. The workman produced his School Leaving Certificate from the Social Service League Night High School giving his date of birth as 15th July, 1934. As this date 15th July, 1934 was different from the date appearing in the horoscope of the workman, the matter was referred to the competent authority of the LIC. The competent authority after carefully considering all the documents decided to accept the date of birth as mentioned in the original horoscope produced by the workman at the time of his joining the service in the then Western India Life Insurance Company Ltd. Before accepting and recording the date of birth as per the horoscope, the workman was given every opportunity to produce evidence such as birth certificate from the Municipality etc. However, the workman did not then produce any document in support of the birth date mentioned in the horoscope, or to disprove that date of birth. As the competent authority decided the matter,

this Tribunal should not substitute its own view in place of that of the competent authority unless the decision of the competent authority is perverse. This Tribunal will not take upon itself the task of evaluating the evidence and select the document for admission of date of birth. The workman was asked to produce the School Leaving Certificate and accordingly he had produce the School Leaving Certificate from Social Service Night High School stating the date of birth as 15th July, 1934. However, this Certificate did not indicate the source for the date of birth mentioned therein and it indicated that the date of birth was mentioned from the record of last school attended. The last school attended by the workman was Bombay Night High School. Therefore the workman was asked to produce the School Leaving Certificate from Bombay Night High School. However, he did not produce any certificate from that School, nor did he produce any certificate from the school he first attended. The workman should not now be allowed to turn round, and say that the horoscope produced by him at the time of joining the service was not a genuine document, and that it did not belong to him. He should not be allowed to take advantage of his own fraud and/or misrepresentation. The workman would be made to retire on completion of his 60 years of age. As regards documents mentioned in the schedule of Age Instructions, no priority or preference is automatically assigned to the various documents listed in the schedule. The action of the LIC in refusing to alter the date of birth on the basis of the School Leaving Certificate is fully in accordance with the said instructions.

The Corporation, therefore, lastly contended that this Tribunal should hold its action in refusing to accept the date of birth of the workman as mentioned in the School Leaving Certificate as just and proper, and prayed that the prayer of the Union be rejected.

5. The Issues framed at Ex. 4 are :—

- (1) Whether in view of the LIC of India (Verification of date of Birth of Employees) Instructions, 1970, the date of birth of the worker as mentioned in the School Leaving Certificate, must be accepted to the exclusion of the date of birth, as mentioned on the horoscope of the said worker?
- (2) Whether this Tribunal can go beyond the provisions of the Age Instructions, and evaluate the evidence for determining the date of birth of the workman?
- (3) Whether the decision of the Competent authority of the LIC preferring to rely upon the horoscope of the worker than the School Leaving Certificate, for the purpose of fixing his birth date, is incorrect, and perverse?
- (4) Whether the management of Life Insurance Corporation of India, Bombay Division, was justified in refusing to accept the date

of birth viz. 15th July, 1934 as contained in the School Leaving Certificate produced by Shri V. M. Salvi, Record Clerk, as his correct date of birth?

(5) If not, to what relief is the workman entitled?

(6) What Award?

6. My findings on the said Issues are :—

(1) Yes.

(2) Can evaluate.

(3) Not incorrect.

(4) No.

(5) As per Award below.

(6) As per below.

REASONS

7. Shri P. T. Kini, the Administrative Officer of LIC filed his affidavit in support of the contentions of the LIC at Ex. 5[M], and he was cross-examined on behalf of the workman. The workman Shri V. M. Salvi filed his affidavit in support of his case at Ex. 12[W] and he was cross-examined on behalf of his LIC management. It is an admitted fact that the birth date of the said workman recorded in then Western India Insurance Company and also in the record of the LIC is 21-3-1932. The birth date of the workman as per his two different night school certificates is 1-7-1934. According to the workman, his correct date of birth is as per his school leaving certificates of the night schools i.e. 15-7-1934. However, according to the LIC management, the horoscope is prepared soon after the birth of the child, i.e. the workman Shri Salvi, and as such reliance must be placed on the date mentioned therein, i.e. 21-3-32, and not upon the birth date 15-7-1934 appearing in the school leaving certificates of the said workman. As such the LIC management refused to alter the birth date 21-3-1932 appearing in the horoscope to the birth date 15-7-1934 appearing in the school leaving certificates of the workman.

8. In this connection it is important to note what the workman Shri Salvi stated in his evidence before his Tribunal regarding the birth date 21-3-1932 appearing in his horoscope. In para 11 of his affidavit he stated thus; "I say that the horoscope said to have been submitted by me was not a genuine one and it certainly does not answer the qualifications that it must be the original and secondly it must have been prepared at the time of birth, as stated in his said instructions of 1970 which are statutory also". In his further examination-in-chief also he admitted and stated on oath thus, "The date mentioned in the school leaving certificate was 15-7-1934. As such I was a minor aged 16 years. This birth date, according to me, was the correct birth date. However, with a view that I may not lose the service, a horoscope of mine was prepared by one Shri Mandlik of Girgaon, and my birth date was decreased by two years by him in that horoscope. I say that the birth date mentioned in the horoscope is not true and correct. The above said Mandlik is now dead."

9. Thus, the workman clearly and in unambiguous terms admitted that the horoscope (Ex. 7[M]) produced by him not a genuine document, and the date 21-3-1932 mentioned therein as his birth date, is not his correct birth date. Further, the alleged horoscope (Ex. 7[M]) is not a horoscope, as it is not in the usual form of a horoscope we usually see. It does not state the planets and stars of the child born. It only states that Mahadev and Mrs. Parvatibai got a son on 21-3-1932. As such, it is not a horoscope, but it is only a document mentioning the birth date of the child of Mahadev and Mrs. Parvatibai. It does not bear the signature of the person preparing that document, nor the date of its preparation, nor the same of the child born. As such, this document (Ex. 7[M]) cannot be safely relied upon. According to the workman Salvi, he entered into the service of the Western India Insurance Co. in December 1950. As such, at that time he was a minor aged 16-1/2 years as per the birth date 15-7-1934 mentioned in the School Leaving Certificates. He was a major aged about 18 and half years as per the birth date 21-3-1932 appearing in the horoscope. It is therefore quite clear that in order that he may get a service he mentioned the birth date 21-3-1932 as per the said horoscope before the then Insurance Co., and accordingly entered into the service. Therefore, in view of the said admission of the workman himself that the said horoscope is a false document and that date 21-3-1932 mentioned therein is not his correct date of birth, that horoscope cannot be safely relied upon, and the birth date 15-7-1934 mentioned in the school leaving certificate (Ex. 16) must be accepted as the correct date of birth. It seems that the workman raised the contention regarding the false document, i.e. horoscope for the first time before this Tribunal, and he did not raise any such contention before the LIC management when he requested them to record his birth date as 15-7-1934 as per the school leaving certificate. However, in view of the said admission now made by the workman before this Tribunal, the action of the LIC management in refusing to record the birth date 15-7-1934 as per the school leaving certificates, cannot be held justified. The correct date of birth now to be recorded in the record of the LIC is 15-7-1934 as per the school leaving certificates of the workman Shri Salvi.

10. However, the workman cannot be allowed to take disadvantage of the change in his birth date. By showing his birth date as 21-3-1932 falsely, he had entered into the service about one and half years earlier than his correct age of a major person. An employee of Class III or Class IV servant of LIC, per Regulation 19(1), of the LIC Staff Regulation, 1960, shall retire on completion of the age of 60 years, but the competent authority may, if it is of the opinion that it is in the interest of the Corporation to do so, direct such employee to retire on completion of 55 years of age or at any time thereafter, on giving him three months' notice or salary in lieu thereof. Therefore, the LIC management can, and should direct the workman to retire on 21-3-1992, and he should not be allowed to continue in service and to retire on 15-7-1994 as per his now correct date of birth 15-7-1934 appearing in his school leaving certificates.

11. As per Instructions 13 of the The Life Insurance Corporation of India (Verification of date of birth of employee) Instruction, 1970, an employee who makes a false statement or who submits any false document in any proceedings under these Instructions shall render himself liable to disciplinary action in accordance with the provisions of the Staff Regulations. Therefore, by producing the false and fabricated horoscope with the date of birth 21-3-1932 therein before the then Insurance Co. and before the LIC management, the said workman has rendered himself liable to necessary disciplinary action against him. However, as he is now to retire only within one and half years, no disciplinary action need to be taken by the LIC management. It is sufficient that he is made aware that by making the false statement as above, and by producing a false and fabricated document of horoscope, he rendered himself liable for a disciplinary action against him.

12. In the result, Issues No. 1 to 5 are found as stated above. The following Award is therefore passed :

AWARD

The action of the Life Insurance Corporation of India, Bombay Division, in refusing to accept the date of birth i.e. 15-7-1934 as contained in the School leaving certificates of the workman Shri F. M. Salvi is not now just and proper. The correct date of birth of the workman now to be recorded in the LIC record is 15-7-1934 as per his school leaving certificates.

However, the LIC management shall direct the workman to retire on 21-3-1992 or even earlier, if so desired.

The parties to bear their own costs of this reference.

P. D. APSHANKAR, Presiding Officer
[No. L-17012/27/87-D. IV(A)]

ईई दिल्ली, 14 दिसम्बर, 1990

का. घा. 3500.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक आफ इण्डिया प्रभुत्व के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-11-90 को प्राप्त हुआ था।

New Delhi, the 12th December, 1990

S.O. 3500.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as

shown in the Annexure in the Industrial dispute between the employers in relation to the Bank of Baroda and their workmen, which was received by the Central Government on 29-11-90.

BEFORE SHRI ARJAN DEV, PRESIDING
OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL, PANDU NAGAR
DEOKI PLACE ROAD, KANPUR

Industrial Dispute No. 39 of 1988

In the matter of dispute between :

The General Secretary,
U.P. BOB Employees Union,
Bank of Baroda Latouche Road, Kanpur.
AND

Dy. General Manager
Bank of Baroda,
Zonal Office 45 Hazaratganj,
Lucknow.

AWARD

1. The Central Government, Ministry of Labour, vide its notification No. L-12011/94/87-D.II(A) dt. nil has referred the following dispute for adjudication to this Tribunal :

Whether the action of the management of Bank of Baroda in amending their circular dated 16-9-78 and depriving Shri Satruhan Lal, Ayodhya Branch for promotion as Special Assistant w.e.f. 12-5-86 as justified is not to what relief the workman concerned entitled ?

2. The industrial dispute on behalf of workman Sh. Satruhan Lal has been raised by the General Secretary U.P. Bank of Baroda Employees Union (hereinafter referred to as the Union for the sake of brevity). In this case both sides have lead evidence in respect of their respective cases. Today's date has been the date fixed for hearing arguments. However, today Sh. R. C. Trivedi General Sectt. of the Union has moved an application to pass a suitable order as on account of clarity of policy interpretation involved in the case, it is in the fitness of things not to press and persue the claim pending before this Tribunal. The Union is represented by Shri K. N. Soni, who has filed his authority on behalf of the Union. He has submitted that reference be answered in negative.

3. In view of the above application and the submissions made by Shri Soni the authorised representative for the Union, the reference is answered in the negative i.e., against the Union/workman.

ARJAN DEV, Presiding Officer

[No. L-12011/94/87-D. II(A)]

V. K. VENUGOPALAN, Desk Officer

